

RESTRICTED

**SUPREME HEADQUARTERS
ALLIED EXPEDITIONARY FORCE**

**HANDBOOK
FOR
UNIT COMMANDERS
(GERMANY)**

REVISED EDITION

**SUPREME HEADQUARTERS
ALLIED EXPEDITIONARY FORCE**

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This Revised Edition of Handbook for Unit Commanders (Germany) is published for the information and guidance of all concerned.

By Command of General Eisenhower.

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INTRODUCTION

The purpose of this handbook is to furnish information which will be of assistance to Unit Commanders in their relations with the inhabitants during the period of the occupation of Germany.

This handbook with certain minor exceptions does not deal with plans or policies, nor does it attempt to anticipate and provide for all of the changes which may result from the Allied occupation.

It contains factual information, in compact and concise form, of certain matters of importance, as they existed at the time of the preparation of the handbook. It should be convenient for ready reference on matters of interest and concern to commanders of small units.

One of the recommendations in the report on American Military Government of Occupied Germany (1918-1920) was to study the national habits and customs of an occupied territory before issuing orders, and so far as possible, to frame those orders in such a way as to avoid interference with such national habits and customs. Except as to those habits and customs which it has been determined to eradicate, the above admonition may well be applicable to the present occupation. This handbook may be helpful in this particular.

There has been added to the revised edition a new chapter, Chapter 13, on "Measures for Protection of Allied Forces in their Relations with the Civil Population in Occupied Germany."

The Appendix, which has also been enlarged, contains a map showing the states, provinces and Reichsgaue (administrative divisions of subsequently acquired territories), a map of the Gaue, a table setting out the Gaue (political sub-divisions), a glossary of useful terms, and the directive setting forth the policy which will govern the relationship of Allied personnel to the inhabitants of those parts of occupied Germany under the control of the Supreme Allied Commander, and the measures which will be adopted to implement that policy. In addition there is a table showing the comparative ranks of military and para-military organizations, and the comparative rank of the NSDAP.

CHAPTER 1—OCCUPATION OF GERMANY AFTER WORLD WAR I

A brief statement of facts relative to the occupation of Germany in the first World War may be helpful, not only to assure that our forces are accurately informed from a historical standpoint, but also to assist in recognizing some of the difficulties which may be anticipated.

Area Occupied and Bridgeheads

Approximately 1,000,000 troops were involved in the march to the Rhine after the armistice of 11 November, 1918. The Allied forces occupied the entire area west of the Rhine and three bridgeheads on the right bank at Cologne (Köln), Coblenz (Koblenz) and Wiesbaden, which were held by the British, United States and French forces respectively. Each bridgehead was in the form of an arc with a radius of approximately twenty-five miles. The deepest penetration into Germany was about 115 miles. Beyond the bridgehead was a neutral zone generally paralleling the Rhine and extending from the Swiss to the Dutch border at a maximum distance of thirty miles from the Rhine. The remainder of Germany was unoccupied (except for the brief occupation of the Ruhr).

Zones and Composition of Forces

The zones and composition of forces were generally as follows :

- (1) Two Belgian divisions were located at Aix-la-Chapelle (Aachen) and Düsseldorf. One French Corps was also assigned to the Belgian Army of Occupation.
- (2) The Second and Fourth British Armies were in the region of Cologne (Köln).
- (3) The Third U.S. Army was located in the district of Coblenz (Koblenz) and Treves (Trier).
- (4) The Eighth and Tenth French Armies occupied parts of the district of Mayence (Mainz), Wiesbaden, Speyer (Palatinate), and parts of the district of Coblenz and Treves. One French Corps was also with the Belgian Army, as stated above.
- (5) For a short time Italian troops were in the Palatinate (Pfalz).

Evacuation by Occupational Forces

The changes which took place were briefly as follows: In September 1919 the French took over Treves from the U.S. and Bonn from the British. In January 1923, the last U.S. troops left Coblenz and the French took over their zone. The French and Belgian zones were extended in 1920, 1921 and 1923 by reason of various sanctions taken against Germany. In January 1926 the so-called First Zone was evacuated, comprising the cities of Bonn, Cleves, Cologne and Crefeld, in November 1929 the Second Zone

(Aix-la-Chapelle, Julich and Coblenz) and in June 1930 the Third Zone (Mayence, Treves, Wiesbaden and the Palatinate). The British had left six months earlier. Throughout the period of occupation 70 per cent. to 80 per cent. of the occupational forces were French.

Administration of Occupied Area

Administration of the occupied area was of two kinds. During the period prior to ratification of the peace treaty (10 January, 1920) the administration was a military one, known as the Inter-Allied Rhineland Commission. Thereafter the administration was under a civilian body known as the Inter-Allied Rhineland High Commission. Sanctions were applied against Germany in 1920 due to the Ruhr revolt, in 1921 due to refusal to make payment, and in 1923, at which time the Ruhr was occupied for a short period by the French in an attempt to secure payment of reparations.

General Discussion

During the first World War such a small portion of Germany was occupied that the great mass of people had no contact with the occupying forces, never saw any enemy troops and had no realization of the completeness of their defeat. Resistance to the authority of the Allied forces was not always met with firmness and, where justified, by prompt punishment. Civilians were not completely disarmed. Anti-fraternization measures were not uniform among the Allied forces (fraternization being permitted by a part of the forces). Incidents arose over non-fraternization orders, lack of respect, discourtesies, resistance to orders, and similar matters.

Complete occupation of Germany by substantial Allied forces following the termination of this Second World War should be of a nature to make a more definite and lasting impression than the brief and partial occupation following the first World War.

CHAPTER 2—CENTRAL GOVERNMENT

In order to present an intelligible understanding of the Central Government of Germany, it is necessary to give a brief résumé of the situation from the time of the formation of the Reich (Empire) in 1871 to the present time.

The Reich

At that time the union of the separate states into one imperial state under a monarchical head was effected under a Constitution framed by Bismarck, the newly created German federal state being under the leadership of Prussia. The states composing the federation were twenty-five in number and comprised the kingdoms of Prussia, Bavaria, Saxony and Württemberg, a number of lesser principalities and grand-duchies and several so-called "free cities" which were survivors of the old "Hanseatic League". Under this Constitution the various states retained their own interior administrations and many of their various autonomous rights. The four former kingdoms even retained their separate military forces.

The Federal legislative system was composed of two houses,

the Reichstag (Congress), an elective body of 397 members, and the Bundesrat (Senate), an upper house of 61 representatives of the federated states.

The Imperial Chancellor was usually prime minister of Prussia as well. The Constitution provided that the King of Prussia should perpetually hold the office of German Emperor.

The Weimar Republic

The defeat of Germany in 1918 produced a violent reaction against the monarchical and militaristic system. Revolutions broke out in November. Soldiers' and Workers' Councils seized control of numerous cities. The Kaiser abdicated on 9 November, 1918.

Germany for a time wavered in its choice of a new government between a proletarian dictatorship and a democratic republic, ultimately adopting the latter. A National Assembly was elected which adopted a constitution, known as the "Weimar Constitution." The new government was a democratic republic and was known generally as the "Weimar Republic," deriving its name from the city at which the Convention adopting the Constitution met. It lasted from 31 July, 1919, until Hitler seized power in 1933. However, due to economic and other reasons its ultimate breakdown was inevitable, indications being apparent as early as 1930.

The Constitution provided for the election of a president for a term of seven years. The first president, however, was to serve until 30 June, 1925. Friedrich Ebert, the head of the Socialist Party, was the choice of the Convention for the position.

An attempt was made to establish a parliamentary system similar to that adopted in England. An independent president was provided for, to act through ministries appointed by him but having the confidence of the Reichstag. He was given the power to dissolve that body and he was given control over the army and navy. The new constitution provided for a Reichstag, a successor to the old Imperial Reichstag, the members of which were to be elected for a four-year term. This body, together with the Reichsrat, was to enact legislation. Also, by a two-thirds vote of all members, it could amend or set aside clauses of the constitution. There was also provided a Reichsrat (upper chamber), which was a successor to the old Imperial Bundesrat. The Reichsrat was not an elective body but was composed of certain officials from the State governments and from the Prussian provincial administration. The Reichsrat had certain limited veto rights but never had the importance of the French or United States Senate.

Opposition of all-powerful Prussia prevented an administrative re-organization of the Reich. The states were able to remain as administrative units, retaining various autonomous rights, including the right to their independent governments, police and judicial systems. They sent representatives to the Reichsrat to protect their interests.

The Constitution made no mention of political parties, although upon them depended its successful functioning. No party (until the abolition of all parties other than the Nazi Party) ever obtained a majority of the vote. Coalitions were therefore necessary, but were found to be difficult to form. Theoretically cabinets had to

have the confidence of the Reichstag, but although the provision requiring this remained in the Constitution, it was not very effective.

Ebert died shortly before the expiration of his term and Field Marshal Paul von Hindenburg was elected as his successor.

Finally, those who desired a Chancellor responsible primarily to the president rather than to parliament began to obtain their objective. The world depression affected Germany economically and politically. In 1930 the last great coalition failed. Brüning became Chancellor, responsible to the President rather than to the Reichstag. The Reichstag was dissolved in order to permit the issuance of decrees, which, though rejected by a new Reichstag, were immediately re-issued. Thus Germany began to be governed by decree. Brüning considered himself responsible only to the President who had appointed him. Brüning was succeeded by von Schleicher and in turn by von Papen, who was appointed at the instance of those dominating the President. Since von Papen could never gain the support of a majority of the Reichstag, a new controversy involving further dissolutions of the Reichstag arose. The end of the Republic was in sight.

In the 1932 elections, von Hindenburg was re-elected, but his opponent, Hitler, showed considerable strength, and after being unable to designate any other satisfactory appointee, the aged von Hindenburg was forced reluctantly to appoint Hitler as Chancellor on 30 January, 1933. This created the opportunity desired by Hitler, and he lost no time in turning it to his own advantage.

However, the Reichstag elections, set for 5 March, 1933, threatened to interfere with his plans. Drastic action was necessary if he was to maintain his precarious hold. On 26 February, 1933, the notorious Reichstag fire, now generally attributed to Hitler and his clique, afforded the opportunity of charging certain groups, particularly the Communists, with treasonable acts. The elections were held under conditions of intimidation and terror. The Nazi Party obtained 43.9 per cent. of the vote, controlling 288 seats. With the aid of the Conservatives, the government was able to obtain a bare majority of 340 out of 647 seats.

Since the Socialists and Communists held 206 seats it was necessary to continue the methods of intimidation previously used if certain legislation changing the constitution and requiring a two-thirds vote, could be passed. Accordingly Göring, the President of the Reichstag, neglected to invite the newly elected Communist deputies to sit in the Reichstag. With the aid of the Centre party the desired legislation was passed, enabling the Cabinet to enact laws without the Reichstag, including even those of a constitutional nature.

The next step by Hitler toward consolidating his position was to abolish all political parties other than the Nazi Party. State and municipal autonomy were eliminated and the Reich became a centralized single-party state. Reichsstatthalter (Reich Governors) were appointed in the Länder, Hitler assuming the important office of Reich Governor of Prussia, but entrusting the duties to Göring.

The Reichsstatthalter were empowered to appoint premiers and select cabinets, which were independent of state legislatures, being solely responsible to Hitler.

Nazis were placed in all key positions. Unity of Party and

State was proclaimed by special law. Everything possible was done to secure Hitler's position. Thus Hitler gained additional power, but his appetite was insatiable.

A growing conflict between the Sturm Abteilung and the new government brought about the bloody purge of 30 June, 1934, resulting in the elimination of Röhm, von Schleicher, one of the Chancellors who preceded Hitler in that position, and other elements not fully in accord with Hitler, or which threatened his path toward greater and more far-reaching powers. Hindenburg purportedly approved of the purge. Decrees were prepared merging the offices of Reich President and Reich Chancellor at a time when von Hindenburg was on his death bed. Upon the latter's death, Hitler became Führer und Reichskanzler (leader and chancellor), which title was later changed to Führer (leader), apparently to efface the memory of the separate offices of President and Chancellor. The two chancelleries did, however, continue to maintain separate existences.

The process of Verreichlichung (unification), that is, the replacement of the semi-sovereign states by mere administrative divisions, was undertaken and finally completed by 1935. State assemblies, called Landtage, were abolished and the sovereign power of the States transferred to the Reich. Thus the powers of the States had gradually weakened until, under complete Nazification, they were practically non-existent.

The Third Reich

Hitler thus became Staatsoberhaupt (Head of the State) and undisputed leader of the Party. He has concentrated in himself the ultimate power, legislative, executive and judicial. He reserves decisions for himself. He is assisted by chancelleries, ministries and numerous Reich authorities. The government is authoritarian and highly centralized. Every officer is responsible through central, regional or local authority to Hitler. This structure Hitler deigns to call the Third Reich.

Hitler has four Kanzleien (Chancelleries) to assist him. The first two are in the political field and are the Präsidialkanzlei (presidential chancellery), concerned with functions peculiar to the former Reich president, and the Reichskanzlei (Reich chancellery), which has the task of co-ordinating conflicting policies of various ministries and departments. These reflect the separation of the positions of president and chancellor. The latter, the Reichskanzlei, which was an administrative office under Bismarck, has become Hitler's informative and executive office. The third, the Parteikanzlei (party chancellery) carries out the functions of Hitler as leader of the Party. It was established in 1941. The fourth is the Kanzlei des Führers (chancellery of the leader) and is concerned with Hitler's personal matters. The heads of the first three are members of the Reichsregierung (Reich cabinet).

The cabinet is composed of about twenty-seven members, the exact number being variable. One of these is Hitler, the Reich Chancellor, sixteen are in charge of Ministries, three are chiefs of Chancelleries and one of the remaining members is Field Marshal Wilhelm Keitel, Chef des Oberkommandos der Wehrmacht, OKW (chief of the high command of the armed forces).

During the early years of the Hitler regime, laws and decrees were prepared by the interested department and enacted by the cabinet, but the cabinet has lost its importance and during the past few years has met only on rare occasions. Much of its power and many of its duties have been delegated to smaller bodies, particularly to the Ministerrat für die Reichsverteidigung (Ministerial Council for Defence) headed by Göring.

This Council is a kind of war committee of six men, in whom are concentrated the duties of supervision and guidance of Reich economy and administration. Himmler (Minister of the Interior), Funk (Minister of Economics), and Keitel are three of the more important members. The council acts in many instances to relieve Hitler of some of his burdensome duties, or to make decisions in cases in which he does not care to act.

Directly under Hitler and responsible only to him are numerous Reich authorities, plenipotentiaries, commissars and others who have taken over some of the powers of the Reich Ministries. There are over sixty of such authorities, including those for the Reich and the occupied territories not incorporated into the Reich.

There are sixteen ministries, of which the Reichsinnenministerium (Reich Ministry of the Interior) headed by Himmler, is the most important. Other important ministries are the Reichswirtschaftsministerium (Reich Ministry of Economics) headed by Funk, Reichsarbeitsministerium (Ministry of Labour), Reichsministerium für Rüstung und Kriegsproduktion (Ministry of Armaments and War Production), Reichsministerium für Ernährung und Landwirtschaft (food and agriculture), Reichsjustizministerium (Ministry of Justice) and Reichsfinanzministerium (Ministry of Finance).

The Reichstag, whose impotent existence has been extended to 1947, has lost all of its power and prestige, being called together only on rare occasions to voice its "approval" on some matter of importance to suit Hitler's particular end.

The Reichsrat has been abolished.

The Weimar Constitution has never been formally abrogated, and is valid to the extent that it has not been expressly or impliedly changed by subsequent legislation. However, it has been so thoroughly emasculated, and the institutions which it affected have been so generally dismembered, that it is practically of no force.

Thus Hitler has not only established a totalitarian government but has destroyed all traces of the republic, together with its representative form of government. He has eliminated all opposing political parties and driven from office practically all honest officials connected with the previous regime. There is little foundation upon which to rebuild democratic institutions.

CHAPTER 3—REGIONAL GOVERNMENT

The Greater Reich is made up of 28 regional parts, of which 15 are former Länder (States), 11 are Reichsgaue created after 1938 from annexed territories, 1 is the protectorate of Böhmen und Mähren (Bohemia and Moravia from Czecho-Slovakia), and 1 is from Polen (Poland).

Under the Weimar Republic each Land had its own government, composed of ministers and its own diet. Each Land also had representation in the Reichsrat. However, when the Nazis assumed power in 1934, they abolished the independent status of the legislative bodies of the Länder, subordinated their governments to that of the Reich, transferred most of their sovereign rights to the Reich, and abolished the Reichsrat. State officials became Reich officials and State laws required approval of the Reichsstatthalter, who were appointed by Hitler in the various states, as representatives of the Reich. The number of officials in the state governments has been greatly reduced, some ministries being merged or eliminated. Generally Hitler nominates and dismisses the members of the Land government. Subsequently acquired territories were incorporated into Reichsgaue, which were also headed by Reichsstatthalter.

Länder and Reichsgaue

The fifteen Länder and the eleven Reichsgaue, together with the capital, number of inhabitants under the 1939 census (in thousands) and the size of the area in square kilometres are as follows :

<i>Länder</i>	<i>Capital</i>	<i>Population</i> (in thousands)	<i>Sq. Kilo-</i> <i>metres</i>
1. Preussen	Berlin	45,328	321,787
2. Bayern	München	8,222	77,785
3. Sachsen	Dresden	5,231	14,995
4. Württemberg	Stuttgart	2,896	19,508
5. Baden	Karlsruhe	2,502	15,070
6. Thüringen	Weimar	1,743	11,760
7. Hessen	Darmstadt	1,469	7,691
8. Mecklenburg	Schwerin	900	15,722
9. Oldenburg	Oldenburg	577	5,396
10. Braunschweig	Braunschweig	583	3,672
11. Anhalt	Dessau	431	2,316
12. Lippe	Detmold	187	1,215
13. Schaumburg-Lippe	Bückeburg	53	340
14. Bremen	Bremen	450	324
15. Hansestadt Hamburg	Hamburg	1,711	747

Reichsgaue

1. Westmark	Saarbrücken	1,892	7,417
2. Wien	Wien	1,929	1,219
3. Kärnten	Klagenfurt	449	11,555
4. Niederdonau	Wien	1,697	25,535
5. Oberdonau	Linz	1,034	14,216
6. Salzburg	Salzburg	257	7,153
7. Steiermark	Graz	1,116	17,384
8. Tirol-Vorarlberg	Innsbruck	486	13,125
9. Sudetenland	Reichenberg	2,943	22,587
10. Danzig-Westpreussen	Danzig	2,287	26,057
11. Wartheland	Posen	4,693	43,905

NOTE.—The following territories, although not incorporated into the Reich, have been attached for administrative purposes to the Reichsgau, Land or Provinz indicated.

Lothringen	(Lorraine)	to Westmark
Elsass	(Alsace)	to Baden
Luxemburg	(Luxembourg)	to Rheinprovinz
Oberkrain	(Upper Carniola)	to Kärnten
Untersteiermark	(Lower Styria)	to Steiermark
Bialystok	(Bialystock)	to Ostpreussen

Prussia and the Prussian Provinces

(Preussen und die Preussischen Provinzen)

Prussia is the largest of the Länder, with a population of over 45,000,000 and an area of over 300,000 square kilometres.

Hitler is Reichsstatthalter of Preussen but has delegated the exercise of the office to Göring. Preussen is divided into eleven (11) Provinzen, including Berlin, which are divided into thirty-four (34) Regierungsbezirke, headed by the Oberpräsidenten and Regierungspräsidenten respectively. The next division below the Regierungsbezirk is the Kreis.

The office of Oberpräsident is composed of a number of departments. The functions of the Oberpräsident of each province have been extended, and since 1934 the Oberpräsidenten are the permanent representatives of the Reich government, the provinces being treated as administrative units. Most of the Oberpräsidenten are also Gauleiter.

The office of each Regierungspräsident has departments covering the important matters of defence, school and agriculture, and others. The Regierungspräsident is also the Landespolizeibehörde (regional police authority).

Prussian Provinces

The Prussian Provinces, Capitals and Regierungsbezirke, with the number of Kreise in each, are as follows :

<i>Province</i>	<i>Capital</i>	<i>Regierungsbezirke</i>
1. Ostpreussen	Königsberg	Königsberg (13), Gumbinnen (16), Allenstein (10), Ciechanov (9).
2. Mark Brandenburg	Berlin	Potsdam (19), Frankfurt/Oder (22).
3. Pommern	Stettin	Stettin (17), Köslin (13), Schneidemühl (9).
4. Niederschlesien	Breslau	Breslau (22), Liegnitz (21).
5. Oberschlesien	Kattowitz	Kattowitz (17), Oppeln (17).
6. Sachsen	Magdeburg	Magdeburg (19), Merseburg (22), Erfurt (11).
7. Schleswig-Holstein	Kiel	Schleswig (21).
8. Hannover	Hannover	Hannover (10), Hildesheim (14), Lüneburg (11), Stade (9), Osnabrück (9), Aurich (5).

9. Westfalen	Münster	Münster (16), Minden (12), Arnsberg (25).
10. Hessen-Nassau	Kassel	Kassel (23), Wiesbaden (16).
11. Rheinprovinz	Koblenz	Koblenz (12), Düsseldorf (22), Köln (9), Trier (9), Aachen (10), Sigmaringen (2).

Bayern (Bavaria)

Bayern, with a population of over 8,000,000, was formerly divided into eight *Regierungsbezirke*, but is now composed of six, one of which, Pfalz (Palatinate), in practice belongs to Reichsgau Westmark. Bayern is unique in that, in addition to *Stadtkreise* and *Landkreise*, it has *unmittelbare Städte* (direct cities) with less than 20,000 inhabitants. The *Regierungsbezirke*, capitals and number of *Landkreise* and *Stadtkreise* are as shown below :

<i>Regierungsbezirke</i>	<i>Capitals</i>	<i>Land- kreise</i>	<i>Stadt- kreise</i>
1. Oberbayern	München	27	3
2. Niederbayern, Oberpfalz	Regensburg	44	6
3. Pfalz	Speyer	13	7
4. Oberfranken, Mittelfranken	Ansbach	34	8
5. Mainfranken	Würzburg	22	3
6. Schwaben	Augsburg	19	2
		159	29

Sachsen (Saxony)

Sachsen has a population of more than 5,000,000. It formerly had four *Regierungsbezirke* but in 1943 they suspended their activities for the duration of the war. There are 27 *Landkreise* and 22 *Stadtkreise*.

The remainder of the fifteen *Länder* do not have *Regierungsbezirke*.

Reichsgaue

The Reichsgaue are administrative units of the Reich, whereas the Gaue are administrative units of the Party. The districts of both Reichsgaue and Gaue are identical, however.

Of the eleven Reichsgaue, seven are from Austria (which have no *Regierungsbezirke*), and the others are from Westmark (which also has no *Regierungsbezirke*), Sudetenland, Danzig-Westpreussen and Wartheland. All of the Reichsgaue are administrative units of the Reich. It has been asserted that the Nazi Party intended to abolish completely the *Länder* government, transforming the *Länder* into Reichsgaue, but this has not yet been done.

Levels of Regional and Local Government

The various levels of local government are normally three. First, there are at the regional level 15 *Länder*, 11 Reichsgaue and the protectorate of Böhmen and Mähren (Bohemia and Moravia) from Czechoslovakia and the General Government of Poland, classified as a *Nebenland* (adjoining land) of the Reich. The 15 *Länder* are from the 17 old traditional *Länder*, Mecklenburg-Strelitz having been incorporated into Mecklenburg-Schwerin in 1933, and the

Free City of Lübeck into Prussia in 1937. The Prussian Provinces are equal in importance and standing to Länder and Reichsgaue in other parts of Germany. Second, there is the Regierungsbezirk level in Prussia, Bavaria, Saxony (until 1943) and in three of the Reichsgaue (but not in the other Länder or Reichsgaue).

Third, there is the county or Kreis level where there are 238 Stadtkreise, with population of over 20,000 each and about 894 Landkreise. Further sub-divisions are the Gemeinden (Communes), of which there are Stadtgemeinden (urban communes) and Landgemeinden (rural communes).

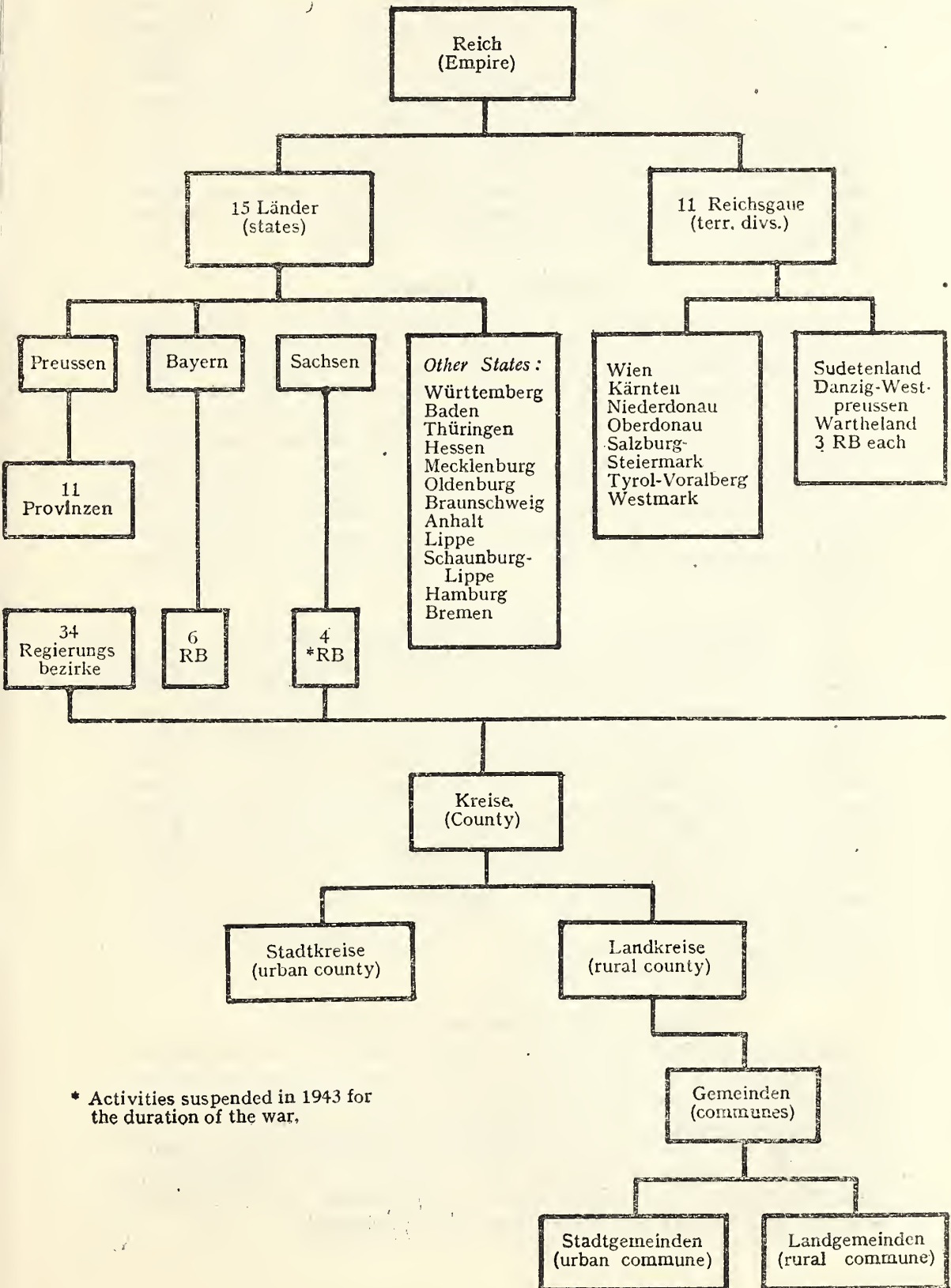
The chart on this page illustrates these levels, and indicates the head of the administrative unit, his duties, and the appropriate advisory body, if any.

On the following page is a second chart showing the regional administration, and carrying it on down to the lowest level.

Administrative Unit	Head	Duties	Advisory Body
Länder (15)	Reichsstatthalter		Beiräte (advisors)
11 Prussian Provinces	Oberpräsident	Permanent Deputy Reich Gov't.	Provinzialrat
Reichsgaue (11)	Reichsstatthalter	Permanent Deputy Reich Gov't. Head of Gau	Beiräte
Regierungsbezirke Preussen 34 Bayern 6 Sachsen* 4 Sudetenland 3 Danzig-Westpreussen 3 Wartheland 3	Regierungspräsident	Heads the departments Supervises local Gov't. Controls police agencies	
Kreise			
Landkreise (894)	Landrat	In charge of County Police Supervises self-government of Towns and Communes	
Stadtkreise (238)	Oberbürgermeister	Exercises functions of Landrat and Bürgermeister	Ratsherren
Gemeinden (50,000)			
Landgemeinden			
Stadtgemeinden	Bürgermeister	Administers Commune	Gemeinderäte

* Activities suspended in 1943 for the duration.

REGIONAL ADMINISTRATION



CHAPTER 4—LOCAL GOVERNMENT

Modern local self-government in Germany began with the enactment in 1808 of the *Stadtordnung* (city regulations) drafted by von Stein, the Prussian Minister of State and exponent of municipal Government reform. His conception envisaged a system of self-government starting with the towns and rural communes, extending to the *Kreise* (counties) and *Provinzen*, and culminating in popular representation of the entire nation in a national parliament, with the ultimate goal as a united federal Germany. Thus the municipalities were the places where self-government began to develop, even though the state government was authoritarian. Various types of municipal government appeared.

The Kreis (County)

The lowest level of local government is the *Kreis*, which corresponds to the French *arrondissement* or the Anglo-American county. These are constituted into *Stadtkreise* (City Counties), of which there are about 238, and *Landkreise* (Rural Counties) of which there are about 894. The *Landkreise* are again divided into *Gemeinden* (communes), of which there are *Stadtgemeinden* (urban communes) and *Landgemeinden* (rural communes). There were in excess of 50,000 municipalities in the old Reich and approximately 63,000 in Greater Germany. There were, generally speaking, two types of municipal government, the city manager type (*Bürgermeisterverfassung*) and the council mayor type (*Magistratsverfassung*).

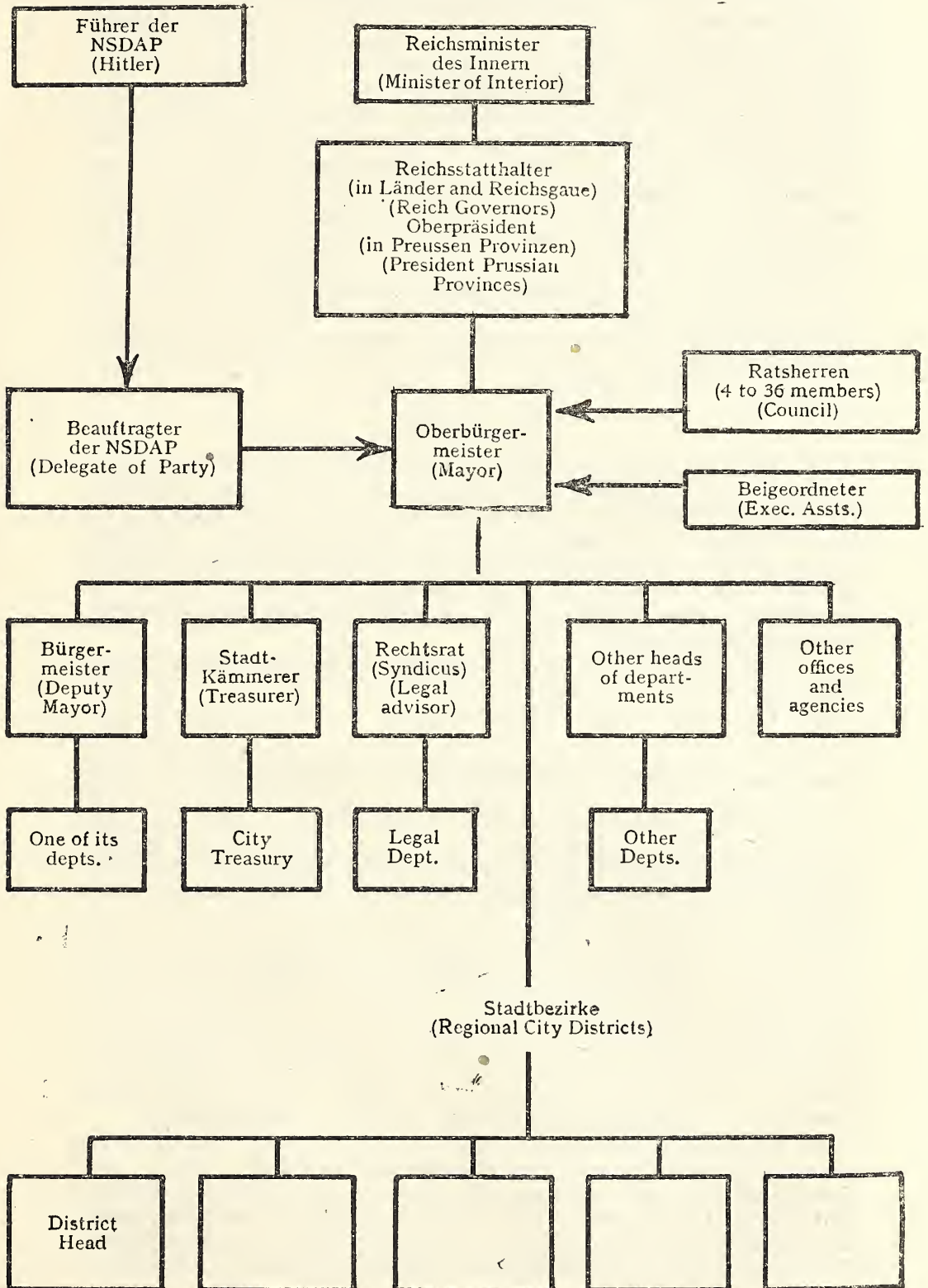
Functions and Activities of Municipalities

Municipalities formerly enjoyed, to a great extent, self-governing functions and activities. They engaged in many enterprises (public service in particular) that in Anglo-American government are ordinarily left to private initiative. They not only carried on the usual functions such as maintenance of roads, schools and public welfare, but also engaged in public services and enterprises such as gas, water, light, power, hospitals, theaters, orchestras and similar ventures. This was carried to the extreme during the era of easy municipal loans. The resulting failures, often involving scandal or fraud, gave the Nazi Party the opportunity to claim that purification of local administration was necessary. The opportunity to interfere was taken advantage of, since a totalitarian state could not tolerate self-government and autonomy in the sphere of local government and administration.

German Municipalities Act of 1935

The German Municipalities Act of 1935 (*Deutsche Gemeindeordnung*) eliminated the diversified municipal structure, and made the organization uniform and based upon the leader principle, with a chain of command in which the leaders are appointed from above. No change was made in the system of division into *Landkreise* and *Stadtkreise*. Although villages and towns belong to *Landkreise*, and cities of over 20,000 inhabitants to *Stadtkreise*, this distinction is important only as far as state control is concerned.

MUNICIPAL GOVERNMENT OF A STADTKREIS (Urban County)



The Bürgermeister and Oberbürgermeister

Under the leadership principle the Bürgermeister (mayor) in the Stadtgemeinden (towns) or the Oberbürgermeister in the Stadtkreise, has the power to lead and direct all municipal activities and supervise the administration. He appoints and dismisses municipal employees. The mayor is recommended by a Party head from a list drawn up by the Beauftragter der NSDAP (delegate of the Nazi Party) in each municipality after consultation with the councilmen. He is appointed by the Reichsminister des Innern in cities of over 100,000, otherwise by the Reichsstatthalter. Thus representative institutions have given way to a system under which there is strict State supervision with little room for discretion.

Mayors serve for twelve years. They are assisted by Beigeordneten (associates) and Gemeinderäte (town councils) in the towns, or Ratsherren (councilmen) in the Stadtkreise. These councilmen, who have purely advisory functions, range in number from twelve to thirty-six in the larger cities, serving for six years in an honorary capacity.

The Landrat

In the Landkreise, the official who is the head of the Kreis is the Landrat. He is appointed by Hitler upon the recommendation of the Reich Minister of the Interior and is both a State official and the head of the self-government of the Kreis. He is the police authority within the Kreis, responsible for public order and security, and other matters. He is under the Regierungspräsident (where one exists) or directly under the Land. Since 1933 his functions have been considerably extended.

A very general outline of German municipal government is indicated in the chart on previous page.

CHAPTER 5—THE NAZI PARTY AND ORGANIZATIONS

The National Sozialistische Deutsche Arbeiter Partei, abbreviated NSDAP (National Socialist German Workers Party), usually referred to as the Nazi Party, dominates the present government. It is the only political party in Germany, having destroyed or absorbed any parties or groups in opposition to its principles or teachings. The policy of "Gleichschaltung" (political co-ordination) has been extended to social, scientific, religious and cultural organizations and associations, which had the unhappy choice of Nazification or dissolution. Although the State is separate from the Party, the control has been seized by the Party to further its political aims, and by various means of supervision and control, the Party is in a position to dictate to the State. Its slogan "Die Partei befiehlt dem Staat" (The Party commands the State) is significant.

In 1919 Hitler became one of the first members of a political organization which later developed into the Nazi Party. The Party first gained notoriety at the time of the abortive "beer-hall putsch" in 1923 when Hitler joined forces with General Ludendorff in an effort to overthrow the government. The coup failed utterly, Hitler was convicted of treason and served thirteen months in

prison. He continued to act as leader and chief propagandist of the Nazi Party, utilizing his time in prison to write "Mein Kampf" ("My Struggle"). After his release he spent his time building up the Party, and forming some of the formations and organizations hereinafter discussed. The Party gained twelve seats in the Reichstag in 1928, and, after a temporary set-back, ultimately secured 230 in 1932. Finally, after Hitler became Reich Chancellor, he caused legislation to be passed prohibiting the existence of all parties other than the Nazi Party and making it a criminal offence to attempt to form any political party. Thus Hitler proceeded to make his position impregnable.

The Nazi Party, carrying out the concepts of its leader, had for its programme the development of national power based upon the assumed German racial superiority, opposition to Capitalism, hatred of Communism and the fostering of violent race prejudices.

Membership in the Party does not exceed a small minority of the people (possibly 7,000,000). The great mass, however, is enlisted in affiliated or supervised formations and organizations all set up on the "Führerprinzip" (leadership principle) under which the "leader" has the right to govern, administer or dictate, subject to no control and at his discretion, being accountable only to the particular Führer above him. These organizations are under the strict control or supervision of the Party. Membership in one or more of them is a pre-requisite to earning a living and avoiding harassment by the Gestapo.

Briefly, and in general terms, the Party is organized geographically along the following lines. There are 43 Party Gaue (political districts), of which 42 cover the area of the Reich proper and one, called "Auslandsorganisation" located at Berlin, comprises all members living outside the frontiers. Each is headed by a Gauleiter. Gaue are sub-divided into Kreise, Ortsgruppen, Zellen and Blocks, each led by a leader of the appropriate sub-division, carrying party control down to the leader of the Block, who is responsible for the general conduct and supervision of forty to sixty households. Party Gaue are shown on the map and in the table in the appendix.

The following table indicates the nature of the Party organization and the title of the official heading the territorial sub-division :

ORGANIZATION OF THE NSDAP

42 Gaue	...	...	...	Gauleiter
920 Kreise	...	...	...	Kreisleiter
30,000 Ortsgruppen	...	...	...	Ortsgruppenleiter
110,000 Zellen	...	...	...	Zellenleiter
550,000 Blocks	...	...	...	Blockleiter

In addition to the above officials, there are at the top the Reichsleiter (Reich leaders), many of whom hold important State positions, in addition to influential positions in the Party. The most important and best known of the individuals are Amann, Reichsleiter for the press and head of the Party Publishing Company

controlling two-thirds of all newspapers; Dr. Goebbels, Reich Minister for Public Enlightenment and Propaganda (Reichsminister für Volksaufklärung und Propaganda) and Gauleiter of Berlin; Himmler, Reich Minister of the Interior (Reichsminister des Innern), Reich leader of the SS and Chief of Police (Reichsführer SS und Chef der Deutschen Polizei) and commander of the reserve army; Dr. Ley, Reichsleiter of the party organization, and its formations and affiliated organizations, and also leader of the German Labour Front (Deutsche Arbeitsfront); and Martin Bormann, head of the party chancellery (Partei Kanzlei).

TYPES OF NAZI ORGANIZATIONS

Nazi organizations other than the Party proper can be divided generally into four classes:

1. Gliederungen (Formations).
2. Angeschlossene Verbände (Affiliated Organizations).
3. Betreute Organisationen (Supervised Organizations).
4. Other Organizations.

GLIEDERUNGEN (Formations)

The Gliederungen are semi-military organizations having no independent legal status. Of the Gliederungen the most important are the Sturm Abteilungen, Schutz-Staffel, Nationalsozialistisches Kraftfahr-Korps, Nationalsozialistisches Fliegerkorps and Hitler Jugend.

Sturm Abteilung (SA)

The Sturm Abteilung (Storm Troops), founded in 1921, was used originally to protect Nazi meetings and provide training of a military character at a time when the Reichswehr was limited to 100,000 effectives. It was assuming, under the SA Führer Röhm, some of the functions of a militia when, in 1934, the notorious "Röhm purge," in which a number of its leaders were assassinated, temporarily checked its programme. Its importance revived in 1939, when it was given certain duties relative to pre-military and post-military training. Its activities correspond generally to those of the Home Guard and police in Britain, particularly in performing anti-aircraft duties, acting as guards, carrying on construction work, and even furnishing certain types of labour. Additional military defence training which preceded or followed the period of regular military training was carried out by an organization known as Wehrmannschaften (Defence detachments). The units of the SA, and the army unit to which they correspond, are:

Schar	Gruppe	(Section)
Trupp	Zug	(Platoon)
Sturm	Kompanie	(Company)
Sturmbann	Bataillon	(Battalion)
Standarte	Regiment	(Regiment)
Brigade	Division	(Division)
Gruppe	Korps	(Corps)

Prior to 1938 there were 21 Gruppen which, however, have now been increased to 29 by additions from the annexed territories (3 Austria, 1 Sudetenland, 3 Poland, 1 Alsace). Total membership is estimated at not over 2,000,000. The uniform is brown.

Most of the members who are physically fit are serving in the armed forces. The 60th Motorized Division is composed of volunteers from the SA, and is given the title "Panzer-Grenadier Division Feldherrnhalle." Regiments are often named after distinguished "old fighters," regiments of the old Imperial army or regions.


The SA recently has engaged in some renewed political activity in connection with the organization of the Germans on the Home Front for the so called "last ditch" stand.

Schutz-Staffel (SS)

Schutz-Staffel, or SS (protection detachment), was founded in 1925, and was a development of the old Hitler bodyguard troops known as the Stabswache and the Stosstrupp Hitler, which had been formed in 1923 to protect Hitler and his main lieutenants. Himmler became its leader in 1929. Its prestige increased during the difficulties experienced by the SA in 1934 (at the time of the Röhm purge), when it became an independent formation, no longer subordinate to the Chief of Staff of the SA. In 1939 the SS consisted of a force of about 250,000 men, and in addition there were special formations of about 40,000, which later became the Waffen SS. The SS is the elite formation of the Party, with the declared purpose of maintaining the internal security of the Reich and the Party. The SS is composed of the Allgemeine SS (General SS), which includes a branch known as the Sicherheitsdienst, SD (Security Service) and the Waffen SS (militarized SS), which is fully militarized.

The SS is the guardian of National Socialism. The members, who are generally fanatically loyal to the party, have their own schools, maternity homes, courts, and are subject to strict qualifications as to heredity and marriage. They have made a widespread penetration of all aspects of German life. They have secured control of all police forces, security and intelligence services.

The first SS force was the Allgemeine SS. Its organization followed that of the SA through the Schar, Trupp, Sturm, Sturm-bann and Standarte. The Brigade and Gruppe, however, were called Abschnitt and Oberabschnitt. The districts covered by the Oberabschnitte are identical with the Wehrkreise.

The Waffen SS was first used as an occupational police force, but later became fully militarized. Its function would appear that of a selected military force capable of preventing opposition to the Nazi regime. Its strength is now estimated at about 20 divisions. The uniform is black or grey-green with black tabs, with the national emblem (combination of eagle and swastika) on the belt. Cap insignia is a skull and cross bones. The runic  is worn on the right-hand side of the helmet, and the swastika on the left side. Collar patches are black with the SS generally on the right. It is sometimes regarded as a fourth arm of the services. These troops

are gaining in importance from a military standpoint. There are also female auxiliaries.

In addition to Germans recruited for the Waffen SS from various parts of the Continent, efforts have been made with some success to enlist non-Germans. The SS, other than the Waffen SS, wears a black uniform, and a badge of skull and cross bones on the cap.

Nationalsozialistisches Kraftfahr-Korps (NSKK)

The Nationalsozialistisches Kraftfahr-Korps (NS Motor Corps), was founded in 1931, absorbing the Motor Sturm Abteilung and various German Automobile Clubs. In 1940 it had a membership of approximately 500,000 organized along the familiar pattern into Motor Sturm, Motor Staffel (in lieu of Sturmbann), Motor Standarte, Motorgruppe, and Motor Obergruppe. Its main task was pre-military training of instructors and providing of personnel for motorized and mechanized units of the armed services, and as an auxiliary transport police. The regular uniform is a brown shirt and black breeches. The national emblem is mounted on a wheel enclosing a swastika and is worn on the cap, steel helmet or black "crash helmet." Impressed non-Germans may appear in almost any uniform, however.

Hitler Jugend (HJ) (Hitler Youth)

The German youth movement began prior to the beginning of the 20th century. Originally the participants were groups of youths seeking physical fitness, recreation and independence, by what might be characterized as a return-to-nature movement. Later they became strongly nationalistic and politically minded. Organizations began to be formed along social, religious, and political lines. Whether or not the Hitler Jugend was an outgrowth of the earlier youth movement, as to which there are conflicting opinions, it was recognized as a Reich Organization and as a junior branch of the SA by 1926. A decree prohibiting it was enacted but was later rescinded by Brüning. The entire progress up to Hitler's accession to power was of minor importance. Hitler immediately abolished all Bunde (leagues) other than the Hitler Jugend and the ones dominated by it. In 1936 a law provided that the whole German youth was to be organized into the Hitler Jugend, for their physical, mental and moral training and for national service in the spirit of Nazism. Their education was entrusted to the Reichsjugendführer (Reich Youth Leader of the NSDAP), who in turn was responsible to Hitler. In 1939 executive orders provided for compulsory service by juveniles between 10 and 18 years of age, thus making it a Reich rather than a pure Party formation.

The term Hitler Jugend may be used to indicate, first, all Germans between 10 and 18 organized into the Hitler Jugend; second, the male portion thereof; and third, those in the male section between the ages of 14 to 18.

The Hitler Jugend is organized in units corresponding to military units. Ranks are indicated by badges or shoulder flaps with insignia, and males between 14 and 18 (Hitler Jugend in the narrowest

sense) are to be distinguished from those between 10 and 14 who are referred to as Deutsches Jungvolk. Upon reaching 14, the youth becomes a Hitler Junge and joins a Rotte. Corresponding units for females are the Bund Deutscher Mädel and the Jungmädelbund. The form of organization of the Hitler Jugend in the narrowest sense and the various levels from the lowest to the highest are as follows :

Rotte
Kameradschaft
Schar
Gefolgschaft
Stamm
Bann (area of Party Kreis)
Gebiet (area of Gau)

Similar organizations are set up for girls. Duties are centrally directed including land service, harvesting and pre-military training, and locally directed covering domestic service, work in shops, collaboration with police, and air raid protection. The Hitler Jugend is playing an increasingly important role, in view of wartime shortages in manpower and labor. It is producing a type thoroughly imbued with the ideological, political and military principles of the Nazi party.

Nationalsozialistisches Fliegerkorps (NSFK)

The Nationalsozialistisches Fliegerkorps, NSFK (Nazi Aviation Corps) performs an important function in training personnel for the Luftwaffe (Air Force). It was formed in 1937 from the existing air units of the SA and SS, and the Deutscher Luftfahrtverband which had been used to cover the secret formations of the Luftwaffe before 1935.

It is not strictly a Gliederung (formation) being subordinate to the Air Ministry, but its members enjoy the same privileges as those of the other para-military organizations. Its organization structure follows the customary lines of other such bodies.

The members are prohibited from being members simultaneously of the SA, SS and NSKK.

The color of the uniform is blue-grey. The emblem is a young man with wings, the letters NSFK above and the swastika below. They carry a NSFK Fliegermesser (airman's dagger). The ranks correspond to those of the SA.

ANGESCHLOSSENE VERBÄNDE (Affiliated Organizations)

The main affiliated organizations of the Party are the Deutsche Arbeitsfront, DAF (German Labour Front), the Nationalsozialistische Volkswohlfahrt, NSV (NS Public Welfare), Nationalsozialistische Kriegsopferversorgung, NSKOV (NS care of war victims) and a number of professional organizations. They come under the financial supervision of the Party. Of these the first merits consideration.

Deutsche Arbeitsfront (DAF)

The Deutsche Arbeitsfront (German Labour Front) is largest in membership and possibly the most important of all Nazi organizations. It was formed in 1933 and took over the assets and membership of various trade unions which had been dissolved in May of 1933. It also took over the employers' associations. In October 1934, it became an affiliated organization of the NSDAP. Membership upon the part of workmen and employees is virtually compulsory and has risen from 5,500,000 at the time of its formation to an estimated 25,000,000. Membership may be individual or corporate. The Nazi Party uses it as a means of collecting intelligence on workers and in carrying out its labor policies. Regional organization is by means of the 42 Gaue (of the Party) in greater Germany and the one for Germans living abroad. Under the Gaue are the Kreise, Ortsgruppe, Zellen and Blocks. The DAF is charged with occupational training, supervision of workers' camps, operation of scientific institutes and schools, and furthering war production. It owns sizeable capital investments in industrial, housing, banking, insurance, publishing and theatrical concerns, as well as a substantial transport fleet which was used for entertainment and recreation. It includes the NS Gemeinschaft "Kraft durch Freude" (NS Society "Strength through Joy").

BETREUTE ORGANISATIONEN (Supervised Organizations)

Certain organizations are merely supervised by the Party or one of its formations. They are independent and their number is not limited. For example, the National Sozialist Frauenschaft, a party formation, controls the more extensive Deutsches Frauenwerk (German Women's Work) organized for communal sewing, gardening, relief of women armament workers and similar duties. Other supervised organizations cover students' organizations, and the like. There are also the NS Reichsbund für Leibesübungen (physical exercise), the NS Reichsbund Deutscher Schwestern (German nurses) and others.

OTHER ORGANIZATIONS

Most important of the other organizations not included in those already discussed is the Reichsarbeitsdienst RAD (Reich Labor Service) and Organisation Todt (Todt organization).

Reichsarbeitsdienst (RAD)

Labor service by voluntary organizations began under the Weimar Republic, and in 1932 a Nazi voluntary labor service was formed. This became the basis of the RAD. In 1935 membership in it became compulsory for all "Aryans" between the ages of 18 and 25. Young men were obliged to serve for six months before entering the military service, and young girls for a year.

In peace time the RAD worked on drainage, clearing and reclamation of land, construction, forestry and similar services,

receiving also some political and military training. In war, this has been extended and intensified, the organization working mainly for the armed forces and in war production. Most work has been performed in occupied territory. The members are under military jurisdiction, but maintain a separate organization, probably for political reasons. The uniform is a brownish-grey blouse with dark collar and trousers. The RAD emblem is a spadehead, which is worn on the left sleeve above a red armband with a black swastika set in a white circle.

Organisation Todt (Todt Organization)

Organisation Todt (OT), as such began its activities in 1938 in the construction of the Siegfried line, drawing personnel not only from the Reichsarbeitsdienst but also from among the employees of the Gesellschaft Reichsautobahnen (Reich Auto Highway Company), which, under Dr. Fritz Todt, built the Reich arterial highways. Although it was originally a civilian organization it later became a para-military organization. After Dr. Todt's death, it was headed by Prof. Albert Speer, who incorporated into it his own organization known as Baustab Speer. It continued to be known as Organisation Todt, however.

The higher staffs rank as civil servants. Reich Germans employed directly by the organization as manual or clerical workers rank as public servants, and are paid under the normal tariffs. Labor is both German and foreign, on a basis of about one to twenty, Germans usually forming the nucleus of skilled workers. Labor is obtained both voluntarily and by conscription. Occasionally entire construction firms with staffs and equipment have been employed.

There are two main divisions, the Home Division and the Front Division. The main regional organizations are represented in the Front Division and are called Einsätze or Einsatzgruppen. Einsatz West covers France, Holland and Belgium; Einsatz Ost covers Poland, Russia and the Baltic States. Einsatzgruppe Wiking covers Einsätze in Norway. The Balkans come under Einsatz Südost.

Einsätze are divided into Abschnitte, under an Abschnittskommandeur. Operations are in charge of Oberbauleitungen and their subordinate Bauleitungen (building directorates) under which come, in order, Einheiten, Bautruppe and Arbeitskolonnen.

The uniform, ordinarily worn only by German personnel, is khaki blouse and breeches. On the left sleeve is a red armband with black swastika in a white circle. Above the left cuff is a narrow armband with the words "ORG. TODT" in white Gothic letters on a black background.

Foreign workers wear civilian clothes and an armband displaying the Arabic number of the battalion.

Since the war, the organization has been engaged mainly in the occupied and satellite countries where they have constructed fortifications, roads and bridges, built and repaired factories and industrial plants, extended and restored communications and performed similar duties.

Duties in connection with Volkssturm

The SA, SS, NSKK and HJ are assigned certain duties in connection with the German Volkssturm, provision for the creation of which was provided for by the decree of 25 September, 1944. This called upon all men between the ages of 16 and 60, capable of bearing arms to defend the Fatherland, and purported to bring them within the army law during their service.

The calling up and induction of the Volkssturm was placed under the various Gauleiter of the Gaue of the Greater Reich, who are directed to make use of all leaders and organizations of the SA, SS, NSKK and HJ.

Stabschef der SA Shepman was named as inspector of instruction in firearms and Körpersführer des NSKK, Kraus as inspector of motor training.

Reichsführer SS Himmler as commander of the reserve army was made responsible for the military organization, instruction, arming and equipment of the Volkssturm.

CHAPTER 6—GERMAN POLICE AND SECURITY

Before the first World War, the accepted idea was that the police were the agents of the internal government charged generally with both welfare and security. The system was changed during the Weimar Republic, during which period the police were limited in their duties to the task of keeping order, although administrative police continued to operate in the fields of public health, in factories and shops, and similar spheres. The National Socialists not only reverted to the pre-Republic idea that the police force was an agent of the State for use for any legitimate purpose of the State, but even changed its character from an agency designed to prevent dangers to public safety and order, to an instrument to control the life of the people and shape them according to Nazi concepts.

The term Polizei (Police) has a much broader significance in Germany than in Anglo-American government, due to the fact that the police have a much wider field of public control. The term means not only "police" in our sense of the word but includes persons performing functions ordinarily undertaken by other branches of administration by regular civil servants (supervision of business and industry, enforcement of building codes, enforcement of compulsory education, etc.).

Prior to 1935 there was no national police force in Germany, nor was there any department of the central government dealing with police matters. However, certain legislation was passed affecting police enforcement by the Länder (States) and the Reich thus exercised some control by reason of the power to withhold grants of funds to them. Otherwise, the Länder controlled the police.

Under the Weimar Republic there were two main branches of police, the Sicherheitspolizei (Security Police) and Verwaltungspolizei (Administrative Police).

Under the Nazi re-organization, the sovereign right to exercise police power was transferred from the Länder to the Reich. The post of Chef der Deutschen Polizei im Reichministerium des Innern (Chief of the German Police in the Reich Ministry of the Interior)

was created, to which office Himmler was appointed. He regrouped the police into Ordnungspolizei, or Order Police, often referred to as "ORPO," and Sicherheitspolizei, or Security Police, called "SIPO." The apparent intention was to separate investigative and secret service elements from those concerned with ordinary measures for enforcement of law and order.

The Sicherheitspolizei had two components, the Kriminalpolizei and the Geheime Staatspolizei or State Secret Police, called generally the "Gestapo," both of which collaborated with the Security Service of the SS. The remaining elements of the old Sicherheitspolizei were used, along with the elements in the former Verwaltungspolizei to form the Ordnungspolizei.

Under the re-organization, there is a separate command for the Ordnungspolizei under the Chef der Ordnungspolizei and for the Sicherheitspolizei under the Chef der Sicherheitspolizei, both of which main branches are under the command of the Reichsführer SS und Chef der Deutschen Polizei im Reichsministerium des Innern (Reich Leader of the SS and Chief of the German Police in the Reich Ministry of Interior) and in each of the Wehrkreise (Military Administrative Districts) under the command of the Höheren SS und Polizeiführer (Higher SS and Police Leaders). Two inspectors respectively of the Orpo and of the Sipo and SD are responsible to the "Höhere SS und Polizeiführer" for the Uniformed and Security Police and SD forces in the Wehrkreise. The latter arrangement indicates the military character of the police and the extent of domination by the SS.

DIE ORDNUNGSPOLIZEI (Order Police)

There are three lower levels of police authorities, the Ortspolizeibehörde, the Kreispolizeibehörde, and the Landespolizeibehörde.

The Ortspolizeibehörde is the police authority at the lowest administrative level and usually is the Bürgermeister.

Above the local police authorities above mentioned is the Kreispolizeibehörde, who is the Landrat in the Landkreise and the Oberbürgermeister in the Stadtkreise.

The next higher is the Landespolizeibehörde, who is the Regierungspräsident of the Regierungsbezirk in the Prussian provinces, Bavaria and the three Gaue so organized, otherwise the Reichsstatthalter, the Landesregierung (state government) and others.

The Reich Minister des Innern (Reich Minister of the Interior) is superior to all levels. However, the Reichsführer SS und Chef der Deutschen Polizei, while responsible to him, is in effect the supreme authority of all German police. However, Himmler now holds both positions.

In accordance with the division along administrative and protective lines, personnel are likewise administrative officials or regular operational police.

The Order Police are the uniformed police under the Hauptamt Ordnungspolizei (Head Office of the Order Police). They are subdivided into the following forces:—

1. Schutzpolizei (Protection Police) (Schupo)

(a) *Schutzpolizei des Reiches* which are found in cities and districts of Staatliche Polizeiverwaltung (National Police Administration).

They include the *Verkehrsbereitschaften* (Traffic Police) and the *Kasernierte Polizei* (Barrack Police) which are a highly militarized reserve with armoured cars and heavy weapons used when additional manpower is needed at the scenes of mass demonstrations, severe air raids, or similar emergencies.

(b) *Schutzpolizei der Gemeinden* (Municipal Police) which comprise the local police forces in communities where National Police Administration does not exist.

(c) *Verkehrskompanien (Mot) z.b.V.* (zu besonderer Verwendung) (Motorized Special Duty Traffic Police) recently created to patrol the main highways, to regulate traffic, and to enforce special war-time measures of motor vehicle and tire conservation.

(d) *Wasserschutzpolizei* (Waterways Protection Police) which police the navigable rivers and canals, regulate water-borne traffic, prevent smuggling, enforce safety and security measures, and inspect shipping.

2. **Gendarmerie** (Rural Police) which perform all order police functions in rural areas and include the *Motorisierte Gendarmerie* (Motorized Traffic Gendarmerie) and the *Hochgebirgs Gendarmerie* (Mountain Gendarmerie).

3. **Verwaltungspolizei** (Administrative Police) the units of which are attached to police agencies to perform the clerical, record-keeping, and general administrative police functions and to issue permits and licences with the attendant inspectional and regulatory duties.

4. **Feuerschutzpolizei** (Fire Protection Police).

5. **Luftschutzpolizei** (Air Raid Protection Police).

6. **Technische Nothilfe** (Technical Emergency Service) (*Teno*), a technical auxiliary police service composed of engineers and skilled workmen used in public emergencies to perform restorative tasks for the military and civil defence services and in industries in the event of strikes.

Supplementary to the Order Police are the *Hilfspolizei* (Auxiliary Police) consisting of unpaid civilians who without uniforms perform part-time police duty under the supervision of the regular police. The *Landwacht* (Rural Guards) assist the *Gendarmerie*, and the *Stadtwacht* (City Guards) assist the *Schutzpolizei*. In the main they are ex-Servicemen who were organized in collaboration with the Nazi Party. They are armed and wear brassards for identification.

Officers and personnel of the *Schutzpolizei des Reiches* undergo special police training and are recruited principally from the SS. Personnel of the *Gendarmerie*, and *Schutzpolizei der Gemeinden* are recruited from the *Schutzpolizei des Reiches*. Thus a uniform standard obtains throughout police personnel in Germany.

National Police Administration, as distinct from local administration, has been set up in those cities to which *Schutzpolizei des Reiches* are assigned, such separate administration being under a

police president or director. Where no National Police Administration exists, the Schutzpolizei der Gemeinden are controlled by the local police authority. Rural areas and towns up to 2,000 (sometimes 5,000) are policed by the Gendarmerie.

Basic police procedure is comparable with American and British police practice. Schupo duty areas in large towns are the Gruppe (Division), Abschnitt (Sub-Division) and Revier (Ward). In small towns the municipal boundary forms the limit of jurisdiction. The Gendarmerie are organized on a Land or Regierungsbezirk basis, and in rural areas duty posts are based on the distribution of the population.

SICHERHEITSPOLIZEI (SIPO) AND SICHERHEITSDIENST DER SS (SD)

The Security Police, comprising the Reichskriminalpolizei (Criminal Police) (Kripo), and Geheime Staatspolizei (Secret Police) (Gestapo), and the Sicherheitsdienst der SS (Security Service of the SS), or SD, are under the joint command of the Chef der Sicherheitspolizei und des SD. They are thus brought together at the top in the Reichssicherheitshauptamt (Head Office for the Security of the Reich). The SD is the Party Intelligence organization. Its function is to safeguard the Party and the Reich from subversive activity by collating information and political intelligence, but it does not ordinarily adopt an executive role. Political crimes are the concern of the Gestapo which is the executive arm of the SD. The Gestapo are not subject to any judicial or administrative control other than by their own headquarters. Since their activities cannot be called into question in any ordinary court, they enjoy powers, privileges and immunities which are foreign to democratic institutions. Schutzhaft (protective custody) is used as a means of persecution and the term protective custody is a perversion if the attempted implication is that it is for the protection of the individual.

Vorbeugungshaft (preventative arrest) by the Kripo is the equivalent in the sphere of crime to protective arrest by the Gestapo in case of political offenses and is applied as ruthlessly.

The establishment and administration of concentration camps indicate the arbitrary powers and unparalleled methods of terrorism. The existence and very widespread exercise of these arbitrary and assumed powers affect not only the police but even the ordinary citizen who lives in anxiety if not fear of accusation, and under a realization that freedom of the individual and impartiality of the courts do not exist. The Grenzpolizei (Frontier Police), a branch of the Gestapo, police the borders of Germany. Ordinary crimes are the concern of the Kripo, whose branch offices are usually associated closely with local units of the Schupo in cities under National Police Administration; the personnel of both agencies work in close co-operation in the day-to-day routine of law enforcement. Thus the Security Police and the SD form a combination of crime specialists, political police, and quasi-official political investigators, each organization maintaining its own character and fulfilling its special mission. Co-ordination is achieved through unity of command and close liaison rather than through interpenetration or control of one agency by another.

Sonderpolizei (Special Police)

The term Sonderpolizei includes certain organizations which are specialized and outside the normal Police structure. These are as follows :

(a) Eisenbahnpolizei (Railway Police)	Ministry of Transport
(b) Bahnschutz (Railway Patrols)	SS
(c) Bergpolizei (Mines Police)	Ministry of Economics
(d) Forstschutzpolizei (Forest Police)	Forestry Office
(e) Flurschutzpolizei (Agricultural Police)	Ministry of Agriculture
(f) Jagdpolizei (Game Preservation Police)	Forestry Office
(g) Postschutz (Post Office Guards)	Postal Authorities
(h) Zollbeamten (Customs Officials)	Ministry of Finance
(i) Werkschutz* (Factory Guards)	Air Ministry
(j) Deichpolizei (Dyke Police)	Ministry of Economics
(k) Hafenpolizei (Harbour Police)	Ministry of Transport

CHAPTER 7—GERMAN LEGAL SYSTEM

Organization and Jurisdiction of Ordinary Courts

In Germany, the ordinary courts with which Allied occupying troops may be concerned or which they may hear discussed have what may be termed for convenience a criminal side and a commercial and civil side.

Until the Reich took over the administration of justice in 1934, the Länder (States) had retained their sovereignty in the matter. Thereafter, the administration of justice and the organization of the courts became solely a matter of the Reich.

The administration of justice in Germany is organized in a strictly hierarchical order, with the Reichsjustizministerium (Reich Ministry of Justice) at the top. Since translations of terms are difficult and not uniform, the German name will be used, along with an appropriate English or American term. The courts from the highest to the lowest are generally as follows :

Reichsgericht (Supreme Court).

* * *

Oberlandesgerichte (Courts of Appeal).

* * *

Landgerichte (Intermediate Courts).

* * *

Amtsgerichte (Local Courts).

The Reichsgericht sits at Leipzig. There are 34 Oberlandesgerichte which operate in the areas of former states and provinces, and in the subsequently acquired countries, provinces and protectorates (one court of appeal as a rule being established in each state and in each province). There are 182 Landgerichte and about 2,198 Amtsgerichte. The two latter are courts of first

* Privately employed by industries, subject to regulation by the Air Ministry.

instance, or original jurisdiction. As will be shown later, appeals do not necessarily lie, and if allowed do not pass through all of the above-named courts.

Since 1944, courts are no longer permitted to hear cases unless it is shown that the adjudication of the controversy is important to the war effort (Kriegswichtig).

The Amtsgericht

The Amtsgericht corresponds in some respects to local or municipal courts of some states in the United States and to the English Petty Sessions, and is the one with which the Unit Commander will come into contact most frequently. It has a civil and criminal side presided over by a single judge, called Amtsrichter.

On the civil side the jurisdiction is limited generally to the following matters :

- (a) Pecuniary claims up to 1,500 Reichsmark.
- (b) Claims between landlord and tenant.
- (c) Travellers and innkeepers.
- (d) Warrantees arising out of sales of animals.
- (e) Claims for maintenance.
- (f) Affiliation proceedings (legitimacy).

On the criminal side the jurisdiction covers generally the following :

- (a) All cases punishable with penal servitude up to five years.
- (b) Measures of public security except preventive detention and castration.

In 1923 there were created special Juvenile courts, called Jugendgerichte, to exercise criminal jurisdiction over offenders between the ages of 14 and 18 years. Subsequently the age has been lowered, and the powers of ordinary courts to try juveniles enlarged.

While the Amtsgericht is the lowest unit of the German judicial system, it fulfils functions analogous not only to those of our municipal courts, but also those of our Probate or Surrogate Courts, and registrars and recorders of deeds. These functions relate to minors, persons of unsound mind, absent persons and deceased persons. Other important matters are those of registering corporations, partnerships and associations.

Appeals on the civil side are to the Oberlandesgericht and on the criminal side to the Landgericht.

The Landgericht

The Landgericht corresponds to the County Court in the United States and the English Quarter Sessions and High Court of Justice. It has a Zivilkammer (civil chamber), Handelskammer (commercial chamber), each of which is presided over by a single judge, and a Strafkammer (criminal chamber), in which three judges sit.

The court has original civil jurisdiction over the following matters :

- (a) Claims for money above 1,500 Reichsmark.

- (b) Matrimonial cases (separation and divorce).
- (c) All other non-pecuniary claims not assigned specifically to the Amtsgericht.
- (d) Liabilities of the Reich for torts committed by officials (civil service officers).

On the commercial side the jurisdiction covers generally :

- (a) Actions against merchants or commercial transactions.
- (b) Bills of exchange and cheques.
- (c) Company and corporation law.
- (d) Trade-marks, patents and unfair competition.
- (e) Maritime cases.

In Anglo-American law there is no distinction between commercial and civil side, the above matters being heard generally by the court sitting on the civil side.

The Landgericht has criminal jurisdiction generally over cases punishable by penal servitude exceeding five years. Under certain circumstances the chairman of the Strafkammer is empowered to hear cases alone, if the issue, both as to law and fact, is simple.

It also hears appeals on the criminal side from the Amtsgericht.

Appeals on the criminal side from cases brought in the Landgericht go to the Reichsgericht. Appeals on the civil and commercial sides go to the Oberlandesgericht and possibly on to the Reichsgericht.

Appellate Courts

Under the impact of war, appeals have been practically eliminated. Therefore the Appellate Courts play a very limited role and need only be discussed briefly.

The Oberlandesgericht

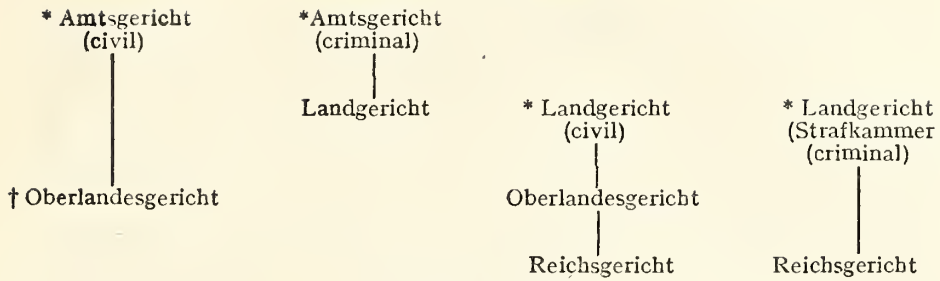
The Oberlandesgericht (court of appeal) is not a court of first instance but has jurisdiction of appeals from the Landgerichte, and the Amtsgerichte in civil matters. It corresponds to the Anglo-American Court of Appeals. The divisions of the court are called "senate". Information as to the location of the seats of the Oberlandesgerichte, and the area generally covered can be readily obtained from Military Government legal officers.

The Reichsgericht

The Reichsgericht is the equivalent of the Supreme Court or House of Lords in American and English jurisprudence. Its jurisdiction generally covers appeals on questions of law only, from cases brought originally in the Landgericht. In civil cases the value of the claim must involve 6,000 Reichsmark or more. The court has Zivilsenate (civil senates) and Strafsenate (criminal senates).

Appeals generally were curtailed by Nazi legislation, but where permitted follow the pattern indicated below, depending upon whether the case was brought originally in the Amtsgericht or the Landgericht.

Steps in Appeals



Other Courts

In addition to the courts above mentioned there are others which require no consideration other than identification. The notorious *Volksgesicht* (People's Court) is a political tribunal with its principal seat at Berlin. The *Reichserbhofgericht* is the supreme court for inalienable peasant holdings, located at Berlin, which deals with hereditary farm estates. There are also *Erbgesundheitsgerichte* (hereditary health courts), *Arbeitsgerichte* (labor courts) and *Finanzgerichte* (tax courts).

In addition there are administrative courts dealing with cases arising between the state and individuals. In 1941 a *Reichsverwaltungsgericht* (Supreme Reich Administrative Court) was established for the purpose of hearing appeals from lower administrative courts. With the advent of the Nazi regime, however, the competence of administrative courts was greatly curtailed and, in some instances, practically nullified.

One other class of courts called *Sondergerichte* (special courts) deserves brief consideration. They are, in general, created for the purpose of enforcing or maintaining Party rule or control, and have jurisdiction in all cases of a political nature or affecting Party control. Cases may be brought before such courts originally, or upon removal from other courts prior to or during trial, where political implications are apparent. Other special courts are the SS and police courts, Hitler Youth Courts, and the Reich Labor Service Courts.

Jurisdiction and Procedure of Civil Courts

1. Jurisdiction, in general.

The amount of the claim controls as to whether an action for recovery of a pecuniary amount is brought in the *Amtsgericht* or the *Landgericht*, the minimum jurisdiction of the latter being 1,500 Reichsmark.

The action must be brought in one of the following places:—

- (a) Where the defendant resides.
- (b) Where the tort was committed.
- (c) Where the property in question is situated.
- (d) Where the husband, or under certain circumstances the wife, resides, in an action for divorce.

* Court of first instance.

† Appeal permitted only where decision deemed essential to the war effort under war legislation.

2. Trial.

In the *Amtsgericht* the parties or their attorneys appear and the court attempts to effect a settlement (known as *Güteverfahren*). If less than 100 Reichsmark are involved the court may render a discretionary judgment (known as *Schiedsurteil*) from which no appeal lies). If the attempt at settlement fails, the court has the power to narrow the issues, and require the submission of briefs and the production of documents.

In the *Landgericht* parties must be represented by attorneys, there is no *Güteverfahren* and the trial is before a single judge. Evidence is adduced through examination of documents, and testimony of the parties (formerly they could put each other on oath as to the truth of some particular allegation).

There are certain differences in procedure in German courts as compared to Anglo-American courts. In Germany, the witness tells his story without interruption, cross-examination is virtually unknown, hearsay testimony is permitted, the court conducts the examination, documentary evidence is given great weight and the trial is before a professional judge or judges. In criminal cases the proceedings begin with the interrogation of the accused. Evidence of bad character is allowed.

Judges and Lawyers in General

The independence of the judiciary has been greatly limited by reason of restrictions imposed by Nazi-inspired legislation and by Party control. Many of the higher administrative and judicial positions are filled by members of the Party. Official prosecutors with both administrative and judicial functions are attached to the criminal sides of the various courts.

The bar is known as the *Reichsrechtsanwaltskammer*, comprises only lawyers (*Rechtsanwälte*) and is a public corporation with disciplinary powers. The corresponding body for notaries is the *Reichsnotariatskammer*. Notaries occupy positions of much greater importance in Germany than are held by them in Anglo-American jurisprudence. Judges, lawyers, notaries and other court personnel are, under the Nazi regime, associated into an association called the *N. S. Juristenbund* the purpose of which is to educate and train lawyers in the Nazi philosophy.

Re-opening of German Courts

At an early date after our occupation of Germany, German courts, both criminal and civil, with the exception of the Nazi-inspired courts, will probably be permitted to function after necessary re-organization under the limited supervision of Military Government officers. They will not be allowed to try cases involving Allied military personnel, or where the interests of the Allies might be injuriously affected.

CHAPTER 8—BANKS AND MONEY

The Reich banking system called for an integrated banking structure with a central bank of issue, the *Reichsbank*. There were also several larger banks combining commercial and investment banking, and private bankers, credit co-operatives, savings banks, mortgage banks, and special banks.

The Reichsbank and Deutsche Rentenbank

The Reichsbank, created in 1875 out of the Bank of Prussia, was the central bank of issue, custodian of the gold reserve, and also the central bank of the country. It later became an agency of the Reich, and was controlled and directed by it. Through its branches it issued Reichsbank notes, formerly limited in issue and secured by gold bullion or certain other security (commercial bills). Reichsmark notes were legal tender.

Inflation which caused the currency to become practically worthless, ended with the formation of the Deutsche Rentenbank in 1923, and the issue shortly thereafter, of the Rentenmark, secured by a collective mortgage on agriculture and industry. After the Locarno Pact and adoption of the Dawes Plan in 1924, the Reich passed laws permitting the Reichsbank to be re-organized and providing for the issuance of Reichsmark on the basis of one Reichsmark for one billion of the old paper mark. The new Reichsbank notes were backed by gold.

Other Banks

At the present time, in addition to the above banks there are commercial banks doing commercial and investment banking (the big six in Berlin, Provincial banks, Land banks and private firms), savings banks, credit co-operatives, mortgage bond institutions and other special banks. The Minister of Economics and the Minister of Finance are at the head of the financial administrative machinery under the supervision of the head of the government. The two largest banks are Die Deutsche Bank and Die Dresdener Bank, both of which have numerous branches.

The German banking system has certain characteristics basically different from that of our own. Control of German banks is highly centralized. Great importance is attached to savings banks which represent approximately 60 per cent. of all bank deposits. The checking system is not developed to the extent that it is in England and the United States. In lieu thereof a system of transfer without use of checks or cash is used, called Giroverkehr. For example, in a loan transaction between customers of the same bank, it would be normal for the bank upon receipt of a transfer order to credit the account of the borrower and debit that of the lender. The two largest are conducted by the Reichsbank and the Postal Checking Office. Transfer orders are used extensively along with highly developed clearing systems.

Currency

The currency circulating in Germany (both Germany as of 1938 and the territories subsequently acquired), consisted of Reichsmark and Rentenmark, the former issued through the Deutsche Reichsbank and its branches and constituting legal tender, and the latter issued through the Deutsche Rentenbank (annuity bank) and not constituting legal tender. Due to the fact that the currency is artificially maintained, the fear of inflation which is prevalent in the mind of the German is not without foundation. Reichsmark notes were issued in denominations of 5 to 1000 Reichsmark. While

Rentenmark were formerly of higher denominations, the later issues were only in the smaller denominations (RM 2 and 1). The notes of the Reichsbank are secured in part by commercial and treasury bills, the notes of the Rentenbank by a debt of the Reich to that institution.

The monetary unit is the Reichsmark, formerly worth, or rather maintained at a value of, forty cents or two shillings. It is divided into 100 Pfennig. Silver coins are in circulation of a denomination of 1, 2, 3 and 5 Reichsmark. Aluminium, bronze and zinc coins are of a value of 50, 10 and 5 Pfennig. There are also bronze or copper coins of 1 and 2 Pfennig, of no practical value.

During the German military occupation of France and the other countries, a special Reichsmark currency was issued by the Reichskreditkasse, a wartime agency concerned with financing German military operations in the field. It provided Reichskreditkassenscheine (Reich credit occupation currency) in occupied territory, backed mainly by a claim upon the part of the issuer against the Reich Treasury which would have allocated to it a part of the occupational costs collected.

Upon occupation of Germany, the currency section of the Financial Division of Military Government will issue instructions as to rate of exchange, what constitutes legal tender, what currency, if any, will be utilized to supplement the Reichsmark and Rentenmark and as to related matters. At the outset it will probably be necessary for Military Government financial officers to close all banks, and financial institutions, until the status of accounts, financial condition and other information can be obtained, after which such institutions as are solvent will probably be re-opened at the earliest possible moment. A debt moratorium, blocking of accounts, prohibition of transfers of securities or dealing in foreign exchange may be required, all of which will be determined by the Military Government, and the appropriate proclamation or order published. Military Government officers should be contacted if difficulties arise as to any of the above matters.

CHAPTER 9—THE CIVIL SERVICE SYSTEM

The civil service formerly enjoyed a high reputation in Germany due to training and tradition, with a history that went back more than a century. Since 1933 it has been maintained largely intact, except non-Aryan and politically unreliable civil servants have been replaced by those politically reliable from the Nazi point of view. It occupies a much more important place than corresponding services in other countries. Higher civil servants once constituted an exclusive group, separate by training and tradition from other classes of society, and often recruited from wealthy and educated families. They had adopted the civil service as a profession and were concerned with furnishing an efficient, honest and impartial administration.

Nazi control was secured first by dismissal, retirement or transfer of objectional groups or individuals, second by procurement of available Nazi Party personnel with the necessary qualifications, and third by indoctrination, supervision and control of non-party

personnel. Since it took some time to carry out the second method, every effort was made to restore any Nazi who had been penalized or disciplined. Domination of the three lower levels was by no means as noticeable as in the higher grade.

While the Nazi Party seriously interfered with the impartiality and efficiency of the civil service employees, many able servants with ability have been retained in spite of a lack of enthusiasm for Nazi principles. Others have joined the Party only for the purpose of maintaining their positions.

The civil service system is centralized and controlled as a division of the Ministry of the Interior, with authority and supervision in the Chief civil service official and appointing power in each Regierungsbezirk or equivalent level. Officials and employees at lower levels are responsible to superiors in matters pertaining to government administration.

Civil service is in two categories, namely: "career service" entered through competitive examination, and "political service", which requires no examination. The latter includes many prominent officials who were formerly in the "career service". They are subject to dismissal by Hitler, and many are Nazis, the percentage being greater than among those in the "career service".

Career Service

Career service has four grades, namely: einfacher (lower), mittlerer (intermediate), gehobener (elevated) and höherer (higher) Dienst (civil service).

Upon occupation of Germany, the elimination of Nazi elements will be necessary, but there will still be career servants with training, ability and a sense of duty who will prove useful to the administration of military government. Candidates for civil service had to meet certain general requirements of citizenship, education, age, health and reputation. Preference was given to soldiers and labor service men and children from large families.

Pensions, Priority Rights and Allowances

Civil servants enjoy rights to pensions, seniority rights in pay and promotion, housing allowances, children's allowances, and other allowances. In the higher civil service the official titles carry a certain amount of prestige, and as a mark of courtesy they are frequently addressed by their titles. Before 1933 there were municipal, state and Reich civil servants. Under the 1937 Civil Service law (Deutsches Beamten-gesetz), however, there are only two classes, (1) unmittelbare Reichsbeamte (direct Reich civil servants), and (2) mittelbare Reichsbeamte (mediate Reich civil servants). The former is the immediate servant of the Reich, the latter may have other masters such as the State, the municipality, a municipal association or a public corporation. Civil servants enjoy life tenure, a fixed tenure or are subject to recall. From an administrative standpoint both in Germany and in the occupied countries, the Civil Service must be credited with considerable success. By elimination of certain elements, the system may be of some practical use to the occupying forces.

Civil servants are employed in the public transportation and communications services (which are government operated), in industry, forestry and agriculture (public enterprises and matters of state domain), in the postal service and teaching profession (public service proper) and public employment generally.

German civil service, while maintaining the character of a body of trained career officials, has now lost its reputation for impartial application of the law and has become an instrument of the Nazi regime.

CHAPTER 10—HOW TO TREAT GERMANS

Germany as a nation began after 1871 when Bismarck unified the various states now comprising, with certain later additions, the Third Reich.

Racial Types and Religion

While almost any statement is controversial, some generalisations may be helpful. The population is in many ways more mixed racially than that of any other country in Central Europe due not only to the fact that it was originally settled by various tribes, but also by reason of frequent migrations facilitated by the geographically poorly defined nature of the natural frontiers.

Naturally, the inhabitants possess different characteristics depending upon their history, locality and origin. Thus we find many different racial types intermingled, not only as a result of periodic wars but as a result of Nazi efforts to destroy the autonomy of the former states. Generally the people in the East bear physical traces of their Slavonic origin, those in the South and along the middle Rhine show evidences of a Latin admixture, while in the Northwest they are usually blond and blue eyed. Although the inhabitants all speak German, but with great variety of distinct dialects, there is considerable variation in customs and religion. After the Reformation, Protestantism greatly increased in Central and Northern Germany. The West and South, however, remained Catholic strongholds. At the time Hitler came to power in 1933, the proportion of Catholics to Protestants was roughly one to two. However, the ratio became about even upon the acquisition of the Catholic countries of Austria, Sudetenland, Alsace-Lorraine and portions of Poland. In the broadest generalities, the Rhinelander is Catholic, often dark-complexioned, lively and quick. In Westphalia, which is adjoining on the Northeast, the inhabitants are Catholic, but otherwise different, being usually blond, heavy, slow and thrifty. Farther to the Northeast in Hanover (where reputedly the best German is spoken) we find Lutherans but with other qualities similar to the Westphalians. The Prussians, mainly Protestant, are often brusque, short-tempered, domineering and arrogant, with little humour. Saxons are free of some of the objectionable qualities of the neighbouring Prussians and possess a certain amount of humour and wit. Bavarians, generally amiable, are taller, stronger, essentially religious (Catholic) and lovers of music and art, of which Munich is the centre. In Pomerania and East Prussia are the homes of most of the Junkers and the large estate owners.

Broadly speaking there are four classes of Germans: (1) The Junkers, Military caste, higher civil servants and leaders of big industry; (2) the middle class; (3) the peasant class, and (4) the working class.

The Junkers, Military Caste, Upper Civil Service and Leaders of Big Industry

The first class is a composite one. It contains the Junkers representing often the aristocracy, who formerly occupied most of the higher administrative positions as well as having what was almost a monopoly of military commissions. In addition they were engaged in farming their own estates or managing State domains.

While the Military caste was at one time made up almost entirely of the above group, sons of middle class families infiltrated into the civil service and officers corps. The members of the latter were imbued with traditional military and anti-civilian spirit to such an extent as to constitute a caste in the literal sense of the word. They remained aloof from politics and were generally opposed to or at least disinterested in social reforms. Since the enactment of the Wehrgesetz (Armed Forces Act) on 21 May, 1935, when compulsory military service was reintroduced, however, there has been a considerable influx of new elements into the officers corps, but in the higher ranks, the percentage of members of Junker and professional officer families remains higher.

The class is now also increased by certain members of wealthy leaders in the heavy industries (Schwerindustrie) of the Ruhr and Silesia.

Members of this class are usually conservative and reactionary.

The Middle Class

The middle class comprises the Grossbürgertum (upper middle class or bourgeoisie) and Kleinbürgertum or Mittelstand (lower middle class or petit-bourgeoisie). The former included the leaders of industry, commerce and banking, directors and senior business employees. The latter includes the small business man, the shop keeper and "white collar" worker. They constitute the background of Nationalism, but also had among them a number of progressives, anxious to develop contacts abroad.

The Peasant Class

The peasant class of small land owners and tenant farmers, known as Bauern, has been the subject of much political controversy. While their ancestors were once politically oppressed and socially neglected, their position has considerably improved although most agrarian reforms favored the large landowner.

They are much more conservative than the working class. Since 1933 they have been organized into the Reichsnährstand (Reich Food Estate) whose function is to secure the highest production and most efficient distribution of agricultural products, fulfilling a need in the sphere of agriculture, similar to that of the Deutsche Arbeitsfront in the field of labor.

The Working Class

The working class is by far the largest group.

Under the Weimar Republic, trade unions were strong and powerful. Working conditions were of a high standard. Under the Nazi regime, trade unions were dissolved and any activity outside of the labor front was made illegal.

This class represents all shades of socialist opinion.

Germans as a rule are taught obedience and respect for authority. They will expect clear-cut orders, which they will obey if given to understand that evasion, delay or non-compliance will not be tolerated. They expect dignity and formality from officials, also efficiency and abruptness.

Generally, the people who will be encountered in official business will be either military personnel, governmental officials or prominent civilians. However, there will necessarily be some contact with lower civil servants, workers, and farmers. The lower civil servants (Einfache Beamte), for example, the post office or railway employees, are usually reliable, painstaking and thorough, but accustomed to being treated with a dignity and respect that our public servants of similar status seldom enjoy. Nazification has not eliminated all of the efficient personnel or eradicated all of the good features of the civil service system.

The largest group of the population belongs to the class of workers. They have never been entirely unified, in spite of Nazi attempts to bring this about, although during the period of prosperity arising out of the shifting of German industry to armament they showed some enthusiasm for Nazi principles. Regimentation, supervision and control have no doubt had their effect, but old rivalries and discord may well be expected to break out when Nazi control ends and they are at liberty to go back to their former labor unions.

Fraternization

Fraternization by Allied troops with the inhabitants will not be permitted. Troops normally will be quartered in barracks or requisitioned buildings and will not be billeted in homes. In dealing officially with Germans, Allied personnel should be just, but invariably must be firm. Contacts should be restricted to the minimum. Invitations which might be construed as creating an obligation or indebtedness to any person or group of persons, should not be accepted. Complimentary tickets to theaters, operas, sports, entertainments, dinners or other functions should be refused. All social contacts must be avoided. Gifts of any nature or in any form are taboo. Subscriptions to certain charities are not objectionable, but it would be inadvisable for members of the Allied forces to assist in raising funds, or participate in any performances held in connection therewith. Conduct of the members of Allied forces must be dignified, formal and exemplary. They should so conduct themselves in their relations with the inhabitants of Germany as to command respect for themselves and for the countries which they represent.

Unless modified or altered, local laws and customs should be respected. Political and religious questions should be avoided

unless consideration thereof is absolutely necessary in official business. Discussions relative to the causes of the war, racial or political views should not be permitted. Courtesy, dignity, reserve and exemplary conduct should be the rule. Soldiers should maintain a smart soldierly appearance and behave in a circumspect manner at all times. (*See Appendix B.*)

CHAPTER 11—MILITARY GOVERNMENT AND COURTS

The subject of military government is an unfamiliar one to many officers. However, it has played an important part in many of the recent wars in which the Americans and British have been engaged.

Military Government

Military government has been defined as that form of government which is established and maintained by a belligerent by force of arms over occupied territory and over the inhabitants thereof. It not only comprises the period before organized resistance has ceased, but also the post-hostilities period during which the victorious armies may occupy the entire territory of the conquered nation. It remains in effect until a treaty is signed by the former belligerents and the treaty ratified by the respective governments.

The theory of military government is that the military occupation confers upon the occupying forces the right to exercise control for the period of the occupation. It does not transfer the sovereignty to the occupant but simply the authority or power to exercise some of the rights of sovereignty.

The responsibility for government of the conquered territory rests with the military commander under whose military control the territory has come. While it is not strictly necessary, Military Government in Germany will probably be announced by a proclamation, which will contain general announcements of policy and action directed to the inhabitants of the occupied territory. Proclamations, ordinances, notices and directives of general interest to the German public will be published and posted in such manner as the Military Government may determine, including publication in the Official Gazette (the official newspaper). The principal aims of Military Government in Germany are: to aid and secure military operations and dispositions; to destroy Nazism and the Nazi Hierarchy; and to maintain law and order.

Upon occupation of German territory, their courts will be suspended, and certain special courts, established under the Nazi regime, will be abolished. Thereafter, the German judicial system will be re-organized and courts will be permitted to re-open and function under certain restrictions.

Kinds of Law and Courts

There will be several kinds of law and courts in occupied Germany. There will be (a) the military law of the respective Allied armies, governing Allied troops, and (b) the law which the Military Government establishes for the occupied territory. In addition there will

be continued in force the ordinary German civil and criminal laws except such as interfere with the safety of the occupying forces or their objectives.

Military law is that law applicable to those persons in the military service. It consists of those laws and regulations which govern the conduct of the soldier, and for the violation of which he can be brought to trial before a court-martial of his own nation. Military law is not territorial but follows the soldier wherever he goes.

The law of the Military Government, on the other hand, is territorial and is generally binding upon all persons in the occupied territory.

There will be three kinds of courts; namely, Courts-Martial, Military Government Courts, and the German courts which the Military Government permits to function after such re-organization as it deems necessary.

In broad generalities, these courts will be concerned with trials of the persons indicated below:

1. Courts-Martial (to try Allied soldiers and prisoners of war).
2. Military Government Courts (to try civilians and others who are not triable by Courts-Martial who violate the laws of the Military Government or commit offences against the laws and usages of war):
3. German Courts (to try cases affecting civilians where Allied interests are in no way involved).

The Courts-Martial will be conducted by military personnel in accordance with prescribed rules of Courts-Martial. The Military Government courts will be established, and will conduct proceedings, in accordance with prescribed Rules of Military Government courts, for the trial of all persons in the occupied territory except persons (other than civilians) who are subject to military, naval or air force law and are serving under the command of the Supreme Commander, Allied Expeditionary Force, or any other commander of any forces of the United Nations. Their jurisdiction will extend to offences against the laws and usages of war, offences under any proclamation or other enactment issued by or under the authority of such Supreme Commander or of the Allied Forces, and offences under the laws set up for the occupied territory or any part of it.

Military Government Courts in Germany are of three kinds:

1. General Military Courts, of not less than three officers (one of whom shall be a lawyer) and authorized to impose any lawful sentence, including death.
2. Intermediate Military Courts, of one or more officers, authorized to impose fines up to £2,500—\$10,000 and imprisonment up to 10 years.
3. Summary Military Courts, of one officer, authorized to impose fines of not to exceed £250—\$1,000 and imprisonment up to one year.

The proceedings in such military government courts will be conducted by military officers in accordance with prescribed rules of procedure.

German courts will be re-opened, after re-organization, and permitted to function, but the Military Government will reserve the power to (1) dismiss any judge, (2) attend any session of court, (3) review any decision and nullify, suspend or modify any sentence or judgment, and (4) assume jurisdiction for Military Government Courts over any case or class of cases where affected by hostility towards, or prejudicial to the interests of the United Nations or the Allied Forces.

The courts above mentioned will be discussed briefly, and general examples set out of the types of cases over which they have jurisdiction.

Courts-Martial

The jurisdiction of Courts-Martial remains practically unchanged. The rules and regulations are set out in the Manual of Courts-Martial, or Manual of Military Law.

Courts-Martial have jurisdiction concurrent with Military Government Courts to try any offender who by the law of war is subject to trial by military tribunals. Generally, however, military personnel committing offences specified in the Articles of War are tried by Courts-Martial, and those persons not subject to the Articles of War are tried by Military Government Courts. Thus, soldiers and prisoners of war who commit offences ranging from minor offences to crimes are normally tried before a Court-Martial. Examples are disobedience, assault and battery, larceny, or those crimes punishable by capital punishment and whether committed against Allied personnel or civilians. Here is brought to trial the soldier who steals a watch from a fellow soldier, breaks into a local store or dwelling, obtains property from a local shop by false pretences, or wilfully assaults a German citizen. Each nation will try its own soldiers, in its own courts.

Military Government Courts

Military Government Courts will be of three kinds, General, Intermediate and Summary. These courts have no power to try persons subject to military, naval or air force law and serving under the command of the Supreme Commander, Allied Expeditionary Force, or any other commander of any force of the United Nations (these will be tried by Courts-Martial), but have power to try civilians and others who are not triable by Courts-Martial. Their jurisdiction will extend to offences against the laws and usages of war, offences under any proclamation or other enactment issued by or under the authority of the Supreme Commander or any other commander of any forces of the United Nations, and to offences under the laws of the Military Government of the occupied territory. Here will be brought to trial the local citizen who assaults a member of the Allied forces, steals from such member, disobeys a lawfully issued rule or regulation, or proclamation of the occupying military authorities, or violates the law of the Military Government. Such courts will be operated through the Military Government, and Military Government legal officers will be available for advice and assistance as to the manner of initiating proceedings therein.

German Courts

German Courts may be closed for a short time, to permit re-organization by the Military Government which we set up. Thereafter most of them will be permitted to re-open and function under a limited supervision of Military Government officers.

They will not be allowed to try cases involving Allied military personnel. For example, the Allied soldier who, without cause or justification, assaults a German citizen will be tried, if a proper case is indicated, before an Allied Court-Martial, and under no circumstances before a German court.

The German Courts, however, may be permitted to try cases involving their own citizens where Allied interests are in no way affected. For example, litigation arising out of a motor accident, or a suit on account between Germans, can be disposed of in their own courts. If, however, discrimination were being shown (for example, in favour of former Nazis or against members of certain races), Military Government officers could take the necessary action under the reservation of the right to supervise the German Courts. Or, if the dispute injuriously affected Allied interests (for example the malicious wrecking of a civilian truck delivering supplies to our forces) the trial could be halted, or the judgment set aside, and the case tried before a Military Government Court.

Military Commissions/Tribunals

In addition to the Courts hereinabove discussed there will also be Military Commissions/Military Tribunals for the trial of persons subject to the jurisdiction thereof, who are charged with espionage or with such violations of the laws of war as threaten or impair the security of the forces, or the effectiveness and ability of the forces or members thereof.

The unit commander can turn for help and guidance to members of the Judge Advocate General's department on court-martial cases, and to Military Government officers in cases coming before Military Government Courts.

CHAPTER 12—PROBLEMS OF A UNIT COMMANDER IN GERMANY

It is difficult to anticipate the various problems which will confront a unit commander in Germany. Those arising before cessation of hostilities will differ from those arising after resistance has been overcome. The location of the unit, the tasks to which it is assigned, and the size of the occupying force will produce a complexity of problems with varying solutions. These can only be discussed in the greatest generality.

Although the matters enumerated in this paragraph are the responsibility of Military Government, the unit commander may have certain duties, temporarily or in aid of Military Government Officers, in connection with public safety, property control, public health and welfare, public utilities, transportation, labour, education and schools, preservation of records and archives, protection of public buildings and property, and similar matters.

The unit commander will also be concerned with matters relating to the apprehension of German deserters, disbandment of para-military organizations, investigation and arrests of German military personnel who have avoided compliance with regulations relating to demobilization, disarmament, arrests of persons in certain categories (members of Gestapo, party leaders, certain officers of para-military organizations), suppression of Nazi activities, prevention of subversive activities and propaganda, observation of and reports on the operation of the German administrative and judicial system, establishment and provision of personnel for Military Government Courts, and, in general, assistance to Military Government Officers in the discharge of their duties. These tasks make it imperative that the unit commander have some idea of the German government, the Nazi Party, the police system and other matters discussed in previous chapters.

Types of Municipal and County Administration

It may be of assistance to visualize the situation that the unit commander may find in the average urban community (Stadt-gemeinde) on initial entry into Germany. At the head there will be the Oberbürgermeister, if it is a Stadtkreis (over 20,000), otherwise the head will be the Bürgermeister. He will probably be an ardent Nazi, in which event it will be necessary to replace him by an official free from the Nazi teachings and philosophy. That, however, is a matter for determination by the proper Military Government officer. The situation may well present extremely difficult problems. The Military Government will probably select a former career servant, who is out of accord with Nazi principles and teachings, or a former member with civil service training and experience, who joined the Party under compulsion. Some of the former functions and powers of city or town councils will certainly be restored and the Gemeinderäte (town councils) and Ratsherren (councilmen in the Stadtkreise) will be composed of the most suitable local citizens available. In the Landkreis (county) the head is the Landrat, who fills a key position, and exerts considerable influence. Since he was appointed by Hitler, upon the recommendation of the Reich Minister of the Interior, he will most certainly be objectionable and the Military Government will no doubt replace him by a suitable official. The Landrat is not only the chief official in the county, but also supervises the government of the towns and communes therein. He is the head of the police in the county and controls the appointment and dismissal of municipal civil servants (Gemeindebeamte).

Formerly there existed a Kreisausschuss (body of county representatives), but under the Nazis this became an appointive body and was later abolished. This will probably be restored or the selection of a comparable body provided for.

The Bürgermeister will have certain assistants, called Beigeordneten, who will assist him in an executive capacity, and possibly head one or more of the departments. (See chart, p. 13.) In larger cities the Oberbürgermeister will have a deputy called Bürgermeister, who may head a department. The usual departments are the Stadtkammerei (treasury department) headed by the

Stadtkämmerer, the legal department (Rechtsabteilung) over which is the Rechtsrat (city attorney), the Ernährungsamt (food office) concerned mainly with the issuance of food rationing cards, food rationing and control of agricultural production, the Gesundheitsamt (health office) charged with control of contagious and infectious disease, medicines and drugs, Arbeitsamt (labor office) concerned with procurement of labor, Wohlfahrtsamt (public welfare office) which deals with welfare matters, Wohnungsamt (housing office) engaged in billeting and housing questions, Amt für Gas, Wasser und Electricität (department of gas, water and electricity), the Finanzamt (revenue office), Polizeiamt (police department) covering public safety, police and fire protection, Stadtbauamt (building office) relating to building construction, street cleaning and similar matters, Krankenhausverwaltung (hospital administration) and other departments. Local transportation systems, water works, gas and electric light plants, hospitals and other enterprises are usually municipally owned. The railroads (Reichsbahn) and communication systems, such as telephone, telegraph and radio, however, are owned by the Reich. The post office (Postamt), in addition to the usual functions, has a savings office (Postsparkassenamt).

The police system is described in Chapter 6. In the smaller communities there are often auxiliary police in addition to the usual police. The term includes fire protection police (Feuerschutzpolizei). The fire departments are voluntary (Freiwillige Feuerwehren) or, where voluntary enlistment fails, obligatory (Pflichtfeuerwehren). The commander of the local fire department is called Wehrführer (defence leader). County fire departments are under the command of a county leader (Kreisführer).

In communities of over two thousand inhabitants, the usual type of police is protection police (Schutzpolizei). In the smaller cities they are organized as sections (Dienstabteilungen), under the command of a commissioned police officer. In the larger communities they belong to a command (Kommando) under a higher ranking officer, all under the direct supervision of an inspector of the Ordnungspolizei (Order Police).

In communities of less than two thousand inhabitants and in rural districts, the Gendarmerie provide protection. The gendarme in all probability has been recruited from the protection police, uses his home for an office; his usual transportation is a bicycle or horse. He performs the usual duties of the Order Police in his territory. He usually mans a single post, several posts are commanded from a Gendarmerie Station which is headed by a Gendarmerie Meister, several of which stations form a section (Abteilung) under a Gendarmerie Obermeister.

A police order addressed to an individual is called Polizeiverfügung (specific order) and, where addressed to the public in general, Polizeiverordnung (police regulation). Minor violations of law, especially of police ordinances, do not always require prosecution, police agents being authorized to issue a warning and collect a fee, which is not technically considered a fine. Minor violations, involving small fines and sentences, may be prosecuted by the police authorities directly and a penalty imposed. The head of

the precinct is called Reviervorsteher. Policemen are usually called Schutzman or, in case of rural police, Gendarme.

In addition, the unit commander, normally acting through or in co-ordination with the Military Government Officers, may have some contacts with the local hospital authorities (Krankenhausbehörde) who are in charge of hospitals (Krankenhaus or Spital), particularly in the event of epidemics or threats thereof. He may find it advantageous to gain the confidence of the heads of the churches (provided they are reliable and trustworthy), as through them he may obtain valuable information on morale of the inhabitants, and similar matters. Throughout the Nazi regime many of the clergy were opposed to some of the Nazi teachings and activities. Consequently, the local priest (der Katholische Geistliche) or minister (der Evangelische Pfarrer) may prove useful. However information received from all such sources should be received with extreme caution. It is well to proceed warily and rely on advice from Military Government officers.

Useful Contacts and Sources of Information

The unit commander, again working through the Military Government Officers, may find it desirable to get in touch with the local judge (Amtsrichter) who presides over the local court. He not only handles criminal cases and less important civil cases, but also settlement of estates, supervision of guardianships, and the registering of corporations, partnerships and associations. He is thus in close touch with the local population and in a position to bring to the attention of the Allied military authorities matters of interest to them, or requiring action upon their part. The local court (Amtsgericht) will have a prosecutor (Amtsanwalt), a sheriff (Gerichtsvollzieher), and other servants whom it may be advisable to know.

In larger cities there will be an intermediate court (Landgericht) which handles more important criminal and civil matters. The judges are called Landrichter. The presiding judge of a division of a Landgericht is called Landgerichtsdirektor and the head of the court is called Landgerichtspräsident. Judges are civil servants, who formerly enjoyed judicial independence and were only removable upon sentence of a disciplinary court. Some have shown opposition to Nazi teachings, interference and dictation, and might be in a position to give information and assistance. Public prosecutors (Staatsanwälte) are also civil servants and must be qualified to act as judges. Attorneys (Rechtsanwälte) are not classified into barristers and solicitors as in England. The notary (Notar) is a public official appointed by the Minister of Justice, but is not a civil servant; he occupies an important position in the community, many of his minor functions coinciding with those of the attorney. Courts may, in a proper case, and upon application, grant legal aid to poor persons (Armenrecht). This is done only after a preliminary hearing. The attorney appointed as counsel is compensated by the government.

In the county (Kreis) the county physician (Kreismedizinalrat) is an important figure and works in close co-operation with the Landrat, the various Bürgermeister and police authorities. The

medical health officer is the *Amtsarzt*, whose duties include supervision and inspection of public institutions, control of infectious diseases, hygiene, inspection of food and housing, and similar matters. The *Apotheker* (druggist or chemist) is a person who is respected (*Respektsperson*).

The grammar school teacher (*Volksschullehrer*) has always exerted a powerful influence in the community and has been universally respected by the inhabitants. In view of the importance of directing the youth along Nazi lines, the Nazis eliminated all of the teachers who were not loyal and ardent followers. This fact must be kept in mind in determining the credibility and accuracy of information gained from this source.

The persons above mentioned are the ones with whom the unit commander will come into contact in the performance of his duties. His task will be facilitated if he knows the more important local officials, becomes familiar with their duties, ascertains their influence in the community, learns the circumstances under which they came into office, appreciates the motives which actuate them, and understands fully the prestige and esteem which they enjoy. Only in this way can the unit commander evaluate intelligently and accurately the information which reaches him, and draw correct conclusions and inferences therefrom.

The unit commander is not merely a member of the occupying forces. He is vitally interested in the Military Government in Germany, which must operate with the same efficiency and achieve the same success as the military force which defeated Germany on the field of battle.

Functioning of Military Government

It is not the intention of the Allied Governments to govern Germany by direct rule, but rather by means of supervisory control over the existing German administrative machinery of government, after the necessary revision and elimination of unsuitable personnel. Military Government officers, having the responsibility for the smooth and successful functioning of the Military Government, may find it necessary temporarily to assume direct control of portions of the administration. They will in general provide for the re-organization of the police force; the revision of German laws; the re-organization and supervision of their courts; the control of German finances; the establishment and maintenance of an adequate standard of public health; the control, supply and distribution of food and essential commodities; the employment of labour and prevention of industrial unrest; the restoration and maintenance of utilities (post, telephone and telegraph); the necessary assistance in the maintenance and operation of railways, roads and waterways; the elimination of Nazi ideology and various other matters. At the outset, Military Government Officers will not be responsible for transportation and communications, but these matters will be handled by the appropriate military branch.

Military Government Officers will prepare and publish proclamations, ordinances, orders and regulations relating to Military Government, or affecting the civil population, determine what laws are to be suspended, what courts are to be permitted to operate, what

officials are to be replaced and by whom, what financial and other institutions are to be closed and for what period of time. Where possible, removal and appointment of German officials will normally be made by Military Government Officers through German authorities. Military Government Officers will cause necessary local ordinances to be passed by the proper German authorities, in the form drawn up or approved by Military Government legal officers (for example curfew laws). In the event of military necessity, however, matters normally within the responsibility of Military Government, may have to be acted upon by the unit commander.

Military Government Officers normally will report their location, office, billet and means of communication to the commanding officers of units or formations in their areas, and will co-ordinate with them to the greatest possible extent. They frequently will call upon unit commanders for assistance. The commanding officer in turn can look to Military Government Officers for advice and guidance as to all matters relating to the civil population.

The unit commander will receive instructions and directives on administrative and operational matters affecting his command through normal military channels.

CHAPTER 13.—MEASURES FOR PROTECTION OF ALLIED FORCES IN THEIR RELATIONS WITH THE CIVIL POPULATION IN OCCUPIED GERMANY

The purpose of this chapter is to set forth briefly, for commanders and others concerned :—

- (a) Basic considerations governing the relationship between the civil population of occupied territory and the occupying forces.
- (b) Those measures which may lawfully be taken by a commander for the protection of his occupying forces, or for the successful prosecution of his mission.

This discussion treats of the situation existing in occupied enemy territory during the period of active operations. It does not necessarily apply to conditions prevailing after the formal signature of an Instrument of surrender by German Plenipotentiaries, or after the main portion of the German forces has capitulated or been overpowered.

DEFINITION OF MILITARY OCCUPATION

Article 42 of the annex to the Hague Convention (18 October, 1907) accurately states :

“ Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.”

A mere invasion of or raid into enemy territory is not occupation. Occupation ceases when the occupying forces withdraw from

or are driven out of the occupied territory. A convenient test is whether the invasion has rendered the indigenous government incapable of publicly exercising its authority, and the invading force is able to substitute its own administration over the territory. If this exists, the territory is effectively occupied, even if the invader merely maintains a central force from which columns are constantly sent around to maintain control. In the final analysis military occupation is a question of fact. It must be both actual and effective. Once acquired it must be maintained.

While not strictly necessary, it is the usual practice to make known by proclamation the fact of military occupation and the extent of the territory affected (FM 27-10 WD Oct. 1, 1940, para. 278).

EFFECT OF MILITARY OCCUPATION

The effect of the occupation is to confer upon the invading force the right to exercise control for the period of occupation; it does not transfer the sovereignty to the occupant, but simply the authority to exercise certain rights of sovereignty, which result from the established power of the occupying force and the necessity for maintaining law and order.

Article 43 of the Annex to the Hague Convention provides :

“The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting unless absolutely prevented, the laws in force in the country.”

All functions of the indigenous government, legislative, executive or administrative, cease under the military occupation, except in so far as permitted by the occupier, who may suspend existing laws and promulgate new ones, when required by the exigencies of the military service. Ordinarily, if the security of the invading army is not affected, he will continue in force those ordinary civil and criminal laws of the occupied territory which do not conflict therewith. He may alter or suspend laws of a political nature, or which affect the welfare or safety of his command. He may promulgate such new laws and regulations as military necessity demands.

RECIPROCAL RIGHTS AND DUTIES

The effects of military occupation on the population are well established and are substantially as follows :

- (a) The inhabitants owe, and the occupant can demand and enforce from the inhabitants, such obedience as may be necessary for the security of the occupying forces, for the maintenance of law and order, and the proper administration of the country.
- (b) It is the duty of the inhabitants to carry on their ordinary peaceful pursuits; to behave in an absolutely peaceful manner; to take no part whatever in the hostilities carried on; to refrain from all injurious acts toward the troops or in respect to their operations; and to render strict obedience to the officials of the occupant.

The occupying forces, in return for the obedience upon the part of the inhabitants, so far as the military situation permits, undertake to restore and maintain law and order, to conduct themselves with due regard for their lives and property and their obtaining the necessities of life. Other relevant considerations are embodied in Articles 43 to 56, both inclusive, of the Annex to the Hague Convention, and generally include the following :

- (a) The occupant cannot force the inhabitants to furnish information about the enemy, or means of defense.
- (b) He cannot compel the inhabitants to swear allegiance to the Government of the occupying forces.
- (c) He must respect family honour and rights, the lives of persons and private property, as well as religious convictions.
- (d) He is subject to various restrictions and limitations on the imposition and use of taxes, money contributions and requisitions.
- (e) He is bound by rules regulating the use of certain kinds of State property and of private property.

WAR TREASON

The duties of the inhabitants and their rights, in the event of obedience, are clearly defined. In the event they do not comply with the rules applicable to occupation, they are guilty of "war treason" (not to be confused with treason which can only be committed by persons owing allegiance to the injured State). War treason normally consists of such acts, committed within the lines of a belligerent, as are harmful to him and are intended to favor the enemy, such as espionage, supplying information to the enemy, sabotage and similar acts.

If they rise in arms, singly or in bands, against the occupying forces or against the authorities established by the same, they are "war rebels" and, if captured, may be punished with death, if found guilty after trial before a Military Government Court or other proper tribunal. Nor can they claim to be entitled to be treated as a member of a *levée en masse*, since that status is limited to the inhabitants of a territory which has *not* been occupied, who, *on the approach* of the enemy, spontaneously take up arms.

There are many acts which are forbidden by the occupant, the violations of which, though punishable, are not war treason, for example ; disobedience of curfew regulations, failure to secure a pass, or serving liquor to troops. Such offenses are punishable in accordance with the enactments of the occupying power.

OFFENSES

Certain of the inhabitants of the occupied territory may fail to carry out the duties imposed upon them under the terms and rules of the military occupation. Offenses may range from minor infractions of proclamations, laws, ordinances, orders and notices relating to curfew and carrying identity cards, to the more serious offenses of sabotage, destruction of property, dealing with the enemy, assaults on Allied troops, guerrilla warfare or even organized resistance.

Prompt and aggressive measures may be necessary to prevent the occupation from becoming compromised, or the safety of the occupying troops being jeopardized. When the occupation becomes an actuality, the commander may be forced to take measures far beyond the scope of those taken by Military Government officers.

Certain acts may constitute offenses by reason of the fact that :

- (1) They are against the laws of the Military Government.
- (2) They are against the laws and usages of war.
- (3) They violate such criminal laws of Germany as are permitted by the Military Government to remain in effect.

MEASURES TO SAFEGUARD OCCUPYING TROOPS

(a) General

In case of disobedience by the civil population, remedies or counter-measures to enforce such obedience as may be necessary for the security of the occupying forces, for the maintenance of law and order and for the proper administration of the country will normally be taken :

- (1) By the Military Government.
- (2) By the Military Forces (combat forces).

The measures taken by the Military Forces will ordinarily be more drastic than those taken by the Military Government. In certain instances the two may well operate jointly. It is essential, however, that they cooperate fully at all times.

Where an identified individual or individuals can be charged with sole responsibility for an act or acts of the civil population of the occupied territory, against the occupying forces, or against the terms of the proclamations, ordinances, laws or orders of the Military Government and there is no evidence indicating a joint and several responsibility upon the part of the population, such individual or individuals shall be regarded as solely responsible therefor, whether or not they are apprehended and punished, and no collective punishment shall be assessed therefor against the population. This may not preclude collective punishment where the civil officials have failed to exercise due diligence to prevent the offense, or, where the offense has been committed, they fail or refuse to take steps to apprehend and turn over to the military authorities, the offender.

(b) Measures by Military Government

Military Government measures may consist of one or more of the following :

- (1) Police or administrative measures.
- (2) Judicial measures.

Among the more important *police or administrative* measures are those affecting the population generally, and which can be intensified or relaxed in proportion to requirements of maintaining control. It is recognized that restrictions of all sorts may be imposed upon, and means of force may be applied against, private

enemy persons, to maintain order and tranquillity in enemy occupied territory. These may include one or more of the following :

- (1) Imposition of restrictions on right of assembly, circulation, and movement, by means of curfew, establishing restricted areas and curtailing right of movement.
- (2) Imposition of restrictions on use of postal, telephone and telegraph, and other means of communication.
- (3) Placing limitations and restrictions on use and enjoyment of places of entertainment, such as restaurants, cafés, hotels, theaters, cinemas and similar places.
- (4) Placing restrictions upon or banning internal trade and commerce by closing stores and shops, or restricting or curtailing the sale of certain commodities.
- (5) Restrictions on the movements and disposal of food commodities and certain other supplies.
- (6) Requiring that compulsory labor be furnished to repair damage caused by acts of sabotage.
- (7) Levying of monetary contributions.
- (8) Compulsory evacuation of buildings or selected areas.

Judicial measures may be taken against towns, villages, communities, cities or localities which have committed wrongful acts or where they can be regarded as collectively responsible for such acts upon the part of individuals. This is termed "collective punishment," and may consist of :

- (1) Imposition of fines against towns, villages, communities, cities or localities.
- (2) Imposition of fines or imprisonment, or both, against the officials thereof.

(c) Measures by Allied Military Forces (Combat forces)

Measures by the military forces will ordinarily be required in the event of organized resistance or serious threat thereof. Such measures may consist of one or more of the following :

- (1) Military operations by the armed forces.
- (2) Compulsory evacuation of the inhabitants.
- (3) Destruction of specific areas or property.

If, as has been pointed out, the inhabitants of an occupied territory rise up against the occupying forces, or commit acts prejudicial to its interests, they become violators of the laws of war and are not entitled to the protection of those laws. When these offenses reach such proportions or are of a nature as to require action by the military forces, that action may take the form of reprisal.

REPRISALS

It is necessary to differentiate between reprisals and sanctions. Sanctions ordinarily mean the penalty or punishment provided by an agreement, treaty or other instrument as a means of enforcing obedience to a law, agreement or a legal obligation. Military sanctions, in the present instance, are those measures which may

be taken by the responsible Allied authorities to enforce the terms of surrender and the orders issued by or on behalf of the Supreme Commander, in the event of resistance to the orders of the Supreme Commander, or to the terms of surrender.

Reprisals, on the other hand, are such injurious and otherwise illegal acts of one state against another, as are exceptionally permitted for the purpose of compelling *an enemy guilty of certain illegal acts of warfare* to comply with the laws of war.

Acts of reprisal may be performed against anything and everything that belongs to, or is due to, the delinquent State or its citizens.

The effectiveness of reprisals as a deterrent is enhanced by their prompt application.

By whom Reprisals may be performed

Reprisals may only be carried out by the armed forces acting under authority of officers competent to direct such action. Since reprisals vary in degree from damage to, or destruction of, personal property to the more drastic measures involving death or injury to individuals, they should only be carried out under exceptional circumstances and only in accordance with the universally recognized rules hereinafter set out, and under such directives as may hereafter be issued. In the event it becomes necessary to resort to reprisals, the directives so published will prescribe by whom the decision to resort to reprisals may be made, the nature and extent thereof and the means of carrying them out.

When Reprisals justifiable

Where the members of the enemy armed forces or the civil population repeatedly disregard the principles and prescriptions of the laws and usages of war, it may be necessary as a last resort, to adopt measures of reprisal to compel such law-breaking combatants or individuals to discontinue such conduct.

Limitations on Use of Reprisals

There are numerous limitations on the use of reprisals. They should not be resorted to except under the pressure of absolute necessity, and then not by way of revenge, but only in those cases where and to the extent by which an enemy will be deterred from a repetition of his offense. Reprisals should be proportionate to the offenses committed and compatible with conceptions of justice and humanity.

Reprisals should be discontinued when reparations are made, or the wrongful acts complained of are discontinued.

As a matter of principle, reprisals between belligerents should not be necessary, but they cannot always be dispensed with, for the fear of their being used may constitute the most powerful deterrent, if every belligerent and every member of his forces know reprisals are to be expected in case they violate the rules of legitimate warfare.

Under the Geneva Convention, Article 2, measures of reprisal against prisoners of war are prohibited. (FM 27-10 WD Oct. 1, 1940, para. 358.)

KINDS OF MILITARY REPRISALS

Measures in reprisals by the armed forces are generally classified as follows :

- (1) Destruction or seizure of private property.
- (2) Compulsory evacuation of all or part of the civil population from buildings, towns or villages.
- (3) Destruction of communities or parts thereof.
- (4) Devastation of territory.

Destruction or Seizure of Private Property

When the inhabitants of an area in occupied territory, by their illegal acts, forfeit their rights under the laws of war, it may become necessary to carry out reprisals against them. The destruction or seizure of private property is one of the measures available to the commander.

The destruction of buildings from which illegal sniping has occurred, or in the vicinity of which illegal acts have been committed which seriously jeopardize security or impede the operations of the occupying forces, is justified as a measure of reprisal.

The decision to adopt reprisals is a serious one which may cause much suffering and have far-reaching consequences. It should be adopted only after due consideration.

Compulsory Evacuation of all or part of the Civil Population

Evacuation of the inhabitants is an effective measure of reprisal for illegal acts of the civil population. Moreover, it is flexible, and the scope and extent thereof can be made to relate to the seriousness of the offense and the urgency of bringing about a discontinuance. All or certain members, or classes of a community, may be evacuated depending upon the circumstances. Opportunity for removal of property, or the protection thereof should normally be given, in the absence of acts calling for more severe treatment.

Destruction of Communities or Parts Thereof

Destruction of a section of a town, or even an entire village or community, by way of reprisal, is within the rights of the belligerent, providing facts justifying reprisals exist, and the proper preliminary steps are taken, such as removal of innocent civilians, or affording them an opportunity to withdraw or seek shelter.

Such reprisals are drastic and should not be resorted to until other measures have proved ineffective, or unless the illegal acts of the inhabitants are of such character as to justify or require the most rigorous punishment.

Destruction of communities or parts thereof, by way of reprisal, may be by one or more of the following means :

- (1) Aerial bombardment.
- (2) Artillery bombardment.
- (3) Demolitions, burning, inundation or other means.

The air arm is an effective weapon for carrying out immediate reprisals of this nature.

Normally, considerations of humanity require that the inhabitants be given advance notice, and an opportunity to seek shelter or to

evacuate. Moreover reprisals by air or artillery bombardment should be directed only against the community or area responsible for the illegal acts necessitating resort to reprisals.

Other means of destruction of less danger to the lives of the inhabitants are by demolitions, burning and inundation.

DEVASTATION

A certain amount of devastation is the inevitable consequence of war. The measure of such permissible destruction is found in the strict necessities of war. To justify it, there must be some reasonably close connection between the destruction and the overcoming of the enemy forces. Devastation may be necessary as a military measure against a defeated enemy adopting guerrilla tactics, in order to cut off supplies of every nature from such guerrilla bands.

As a reprisal, however, devastation may be carried out for the purpose of compelling the inhabitants to desist from their illegal acts. It is a severe measure, to be resorted to only in extreme cases, and only under the highest authority, and should only be resorted to when the illegal acts of the enemy are clearly indicated and where all other measures to suppress them have failed. In no event should the acts committed be repugnant to the sentiments or usages of the civilized world or revolting to humanity.

As a means of deterring a nation guilty of repeated illegal acts, checking its brutality and protecting the occupying troops from depredations, it may be necessary to destroy entire districts or large areas, to prevent their being used as a base. Inhabitants should be removed, or given the opportunity to get out. It may be necessary to make some provision for the peaceful population of the area, since otherwise they may not be able to survive.

HOSTAGES

The taking of hostages for certain purposes is a recognized means of forcing the enemy to observe the laws of war, or to comply with the legitimate demands of the occupying forces. A belligerent possesses the right of seizing and retaining non-combatants as hostages for the purpose of enabling himself to secure his rights under the laws of war.

The United States Army Basic Field Manual "Rules of Land Warfare (FM 27-10 WD Oct. 1, 1940, para. 359, and the British Manual of Military Law) state :

"Hostages have been taken in war for the following purposes :
To insure a proper treatment of wounded and sick when left behind in hostile localities ; to protect the lives of prisoners who have fallen into hands of irregular troops or whose lives have been threatened ; to protect lines of communication by placing them on engines of trains in occupied territory ; and to insure compliance with requisitions, contributions, etc.
When a hostage is accepted he is treated as a prisoner of war."

While it is permissible for an occupying force to take hostages in order to secure compliance with its instructions, or as security for the good behavior of the inhabitants of an occupied area, hostages should never be used to prevent the enemy from doing what he has a legal right to do.

Hostages may be taken to secure compliance upon the part of the civil population of occupied territory, with the rules and regulations of the Military Government and the laws and customs of war. Moreover, they may be taken and used as a means of preventing illegitimate acts of war, provided the hostages are not exposed to dangers from *legitimate* acts of warfare, or for the purpose of preventing such legitimate activities.

The use of hostages on trains to protect lines of communications is recognized as proper, provided the dangers to which they are exposed are from illegitimate acts of the civil population, but not if they could be injured by lawful acts of their own armed forces.

The governing considerations are well stated by Oppenheim (International Law, Vol. II, 6 ed., page 461) as follows :

“ It is for the purpose of guarding against an act of illegitimate warfare that these hostages are put on the engines. The danger to which they are exposed comes from their fellow citizens, who are informed that hostages are on the trains. It cannot, and will not be denied, that the measure is a harsh one, and that it makes individuals liable to suffer for acts for which they are not responsible. But the safety of the troops and lines of communication of the occupying belligerent is at stake, and it seems doubtful, therefore, whether even the most humane commanders will always be able to dispense with this measure, since it always has proved effective.”

IN GENERAL

The above discussion of reprisals and hostages covers the subject in most general terms. It is designed to review briefly the applicable rules which, with some variation, appear in the appropriate military manuals of the various belligerents and in approved texts on International Law. As previously stated, unit commanders must take such measures only in the clearest cases and where duly authorized. Directives relating to the use of reprisals, and, after surrender, to the use of sanctions, will be issued in the event resort to reprisals and sanctions becomes necessary. Such controlling directives should be carefully adhered to, if it becomes necessary to take such measures.

APPENDIX A

GAUE

There are 42 Gaue of the NSDAP in greater Germany and an additional one located at Berlin for Ausländer (those in other countries). These are divided into 920 party Kreise, including Alsace, Lorraine, Luxembourg, Upper Carniola, Lower Styria and Bialystock.

The Gau, capital thereof, the Land, Reichsgau, Prussian Province or Regierungsbezirk in which each is located, and the Wehrkreis (military district) to which the Gau belongs are as follows :

<i>Gau with Capital</i>	<i>Land, RG, PP or RB</i>	<i>Wehrkreis</i>
1. OSTPREUSSEN— Königsberg	Provinz Ostpreussen	I Königsberg
2. DANZIG-WEST- PREUSSEN— Danzig	RG Danzig-West- preussen	XX Danzig
3. WARTHELAND— Posen (Poznan)	RG Wartheland	XXI Posen (Poznan)
4. OBERSCHLESISIEN— Kattowitz (Katowice)	Provinz Oberschlesien	VIII Breslau
5. NIEDERSCHLESISIEN —Breslau	Provinz Niederschlesien	VIII Breslau
6. MARK BRANDEN- BURG—Berlin	Provinz Mark Branden- burg	III Berlin
7. BERLIN—Berlin	Reichshauptstadt Berlin	III Berlin
8. POMMERN— Stettin	Provinz Pommern	II Stettin
9. MECKLENBURG— Schwerin	Land Mecklenburg	II Stettin
10. SCHLESWIG- HOLSTEIN—Kiel	Provinz Schleswig- Holstein	X Hamburg
11. HAMBURG— Hamburg	Hansestadt Hamburg	X Hamburg
12. WESER-EMS— Oldenburg	Land Bremen, Land Oldenburg, RB Aurich, RB Osnabrück	VI Münster X Hamburg
13. OST-HANNOVER— Lüneburg	RB Lüneburg, RB Stade	X Hamburg
14. SÜD-HANNOVER- BRAUNSCHWEIG —Hannover	RB Hannover (without the Kreis Grafschaft Schaumburg) RB Hildesheim, Land Braunschweig	XI Hannover
15. MAGDEBURG- ANHALT— Dessau	RB Magdeburg, Land Anhalt	XI Hannover
16. HALLE-MERSE- BURG—Halle	RB Merseburg	IV Dresden IX Kassel
17. THÜRINGEN— Weimar	Land Thüringen, RB Erfurt, Kreis Herr- schaft Schmalkalden (RB Kassel)	IV Dresden IX Kassel

<i>Gau with Capital</i>	<i>Land, RG, PP or RB</i>	<i>Wehrkreis</i>
18. SACHSEN— Dresden	Land Sachsen	IV Dresden
19. SUDETENLAND— Reichenberg	RG Sudetenland	VIII Breslau (RB Troppau) IV Dresden (RB Aussig) XIII Nürnberg (RB Eger)
20. KURHESSEN— Kassel	RB Kassel (without Landkreise Geln- hausen, Schlüchtern, Herrschaft Schmal- kalden, Hanau and Stadtkreis Hanau)	IX Kassel
21. HESSEN-NASSAU —Frankfurt/ Main	Land Hessen, RB Wies- baden, Landkreise Gelnhausen, Schlüch- tern, Hanau, Stadt- kreis Hanau of RB Kassel	IX Kassel XII Wiesbaden
22. WESTFALEN-NORD —Münster	RB Minden, RB Münster, Kreis Grafschaft Schaumburg (RB Hannover), Land Lippe, Land Schaum- burg-Lippe	VI Münster
23. WESTFALEN-SÜD —Bochum	RB Arnsberg	VI Münster IX Kassel (Kreis Siegen)
24. ESSEN—Essen	Stadtkreise Essen, Duis- burg, Mülheim, Ober- hausen, Landkreise Dinslaken, Geldern, Kleve, Moers, Rees (RB Düsseldorf)	VI Münster
25. DÜSSELDORF— Düsseldorf	Stadtkreise Düsseldorf, Krefeld, München- Gladbach, Neuss, Remscheid, Reydtt, Solingen, Viersen, Wuppertal, Landkreise Düsseldorf, Mettmann, Grevenbroich - Neuss, Kempen - Krefeld, Rhein - Wupperkreis (RB Düsseldorf)	VI Münster
26. KÖLN-AACHEN— Köln	RB Köln, RB Aachen	VI Münster
27. MOSELLAND— Koblenz	RB Koblenz, RB Trier	XII Wiesbaden
28. WESTMARK— Neustadt	Saarland, RB Pfalz	XII Wiesbaden
29. BADEN— Karlsruhe	Land Baden	V Stuttgart, and XII Wiesbaden, and XIII Nürnberg
30. WÜRTTEMBERG- HOHENZOLLERN Stuttgart	Land Württemberg, RB Sigmaringen (Hohen- zollerische Lande)	V Stuttgart, and XIII Nürnberg

<i>Gau with Capital</i>	<i>Land, RG, PP or RB</i>	<i>Wehrkreis</i>
31. MAINFRANKEN— Würzburg	RB Mainfranken	XIII Nürnberg, and IX Kassel
32. FRANKEN— Nürnberg	Part Mittelfranken of the RB Oberfranken and Mittelfranken	XIII Nürnberg
33. BAYREUTH— Bayreuth	RB Niederbayern and Oberpfalz, Part Ober- franken of the RB Oberfranken and Mit- telfranken	XIII Nürnberg, and VII München
34. MÜNCHEN-OBER- BAYERN— München	RB Oberbayern (without Landkreis Friedberg)	VII München
35. SCHWABEN— Augsburg	RB Schwaben and Land- kreis Friedberg	VII München
36. WIEN—Wien	RG Wien	XVII Wien
37. NIEDERDONAU— Krems (Gau Adm is, however, in Wien)	RG Niederdonau	XVII Wien
38. OBERDONAU— Linz	RG Oberdonau	XVII Wien
39. TIROL-VORARL- BERG— Innsbruck	RG Tirol and Verwal- tungsbezirk Vorarlberg	XVIII Salzburg
40. SALZBURG— Salzburg	RG Salzburg	XVIII Salzburg
41. KÄRNTEN— Klagenfurt	RG Kärnten	XVIII Salzburg
42. STEIERMARK— Graz	RG Steiermark	XVIII Salzburg
43. AUSLANDS- ORGANISATION —Berlin		
Legend : Reichsgau	RG	
Prussian Province	PP	
Regierungsbezirk	RB	

APPENDIX B

POLICY ON RELATIONS BETWEEN OCCUPYING FORCES AND INHABITANTS OF GERMANY

SUPREME HEADQUARTERS

ALLIED EXPEDITIONARY FORCE

Office of the Supreme Commander

12 September, 1944

SUBJECT : Policy, Relationship Between Allied Occupying Troops
and Inhabitants of Germany.

TO : Commander-in-Chief, 21 Army Group
Allied Naval Commander, Expeditionary Force
Air officer Commander-in-Chief, Allied Expeditionary Force
Commanding General, 12th Army Group
Commanding General, Communications zone, European
Theater of Operations, U.S. Army
Commanding General, United States Strategic Air Force
Commander, U.S. Naval Forces in Europe
Commanding General, Sixth Army Group

1. Upon the successful termination of the present campaign in Northwest Europe, specified areas of Germany will be occupied by the Allied Armies. If the purposes of this occupation are to be attained, it is necessary :

- (a) That the German people be not permitted to minimize the consequences of their defeat or to prepare the way for a resurgence of power by influencing the thoughts or actions of our troops.
- (b) That a pattern for the conduct of the occupying Allied troops be established, which will insure that they maintain the desired attitude toward the population, and that this be uniform throughout the Allied command.
- (c) That adequate measures be taken, in advance, to inform all concerned as to the policy adopted, and to make preparation for putting it in effect, particularly that measures be taken for the provision of necessary supplies and equipment.

2. Attached hereto, Appendix " A ", is a directive setting forth the policy which will govern the relationship of Allied personnel to the inhabitants of those parts of occupied Germany under the control of the Supreme Allied Commander, and the measures which will be adopted to implement that policy.

3. The British commanders concerned, having agreed to the

policy set forth in this directive, will take the necessary steps to make it effective.

4. (a) The Commanding General, 12th Army Group, in consultation with other United States commanders indicated above, will prepare necessary instructions to give effect to this policy.
- (b) Orders and instructions on this subject, issued by commanders of other elements of United States forces in occupied Germany, will conform to those issued by Commanding General, 12th Army Group.

/s/ Dwight D. Eisenhower
 DWIGHT D. EISENHOWER,
 General, U.S. Army.

SUPREME HEADQUARTERS ALLIED EXPEDITIONARY FORCES

APPENDIX "A"

TO LETTER, 12 SEPTEMBER, 1944

POLICY ON RELATIONS BETWEEN ALLIED OCCUPYING FORCES AND INHABITANTS OF GERMANY

1. German Attitude and Propaganda

(a) The German mental attitude during the previous occupation of Germany ranged from hatred, through friendliness, to fawning subservience. In the coming occupation, all attitudes of mind may be encountered, differing with persons and localities, and changing from time to time. However, because of this war's greater air-bombing damage and possibly ground combat within Germany, and because of the intense Nazi indoctrination, German hatred may be far deeper and more universal than in 1918. Also, the whole country will be occupied, as compared to only a small fraction in 1918.

(b) The German conception of themselves as a "Master Race" has been too deeply implanted to be eradicated outright; many Germans will accept defeat as only a temporary phase of a continuing struggle, and strong efforts will no doubt be directed towards regaining a commanding position in Europe. Plans for underground continuation of the struggle are believed to exist.

(c) Aside from initial resistance by any German military forces not immediately under control, the occupying forces must be prepared for civil disorders, including sniping and assaults on individuals, sabotage, provoked riots, perhaps even organized raids. Hidden arms will undoubtedly be available.

(d) Later there is likely to be deliberate, studied and continuous effort by the Germans to influence the sympathies and thoughts of the occupying forces, with a view to minimizing the consequences of defeat and preparing the way for a resurgence of German power.

Propaganda in widely differing forms may be expected. It will probably endeavor to weaken the Allied solidarity; to undermine the Allied determination to exercise supervision and enforce the surrender terms; to induce a reduction in the occupying forces and to lower Allied morale and military effectiveness.

(e) While open propaganda through press and radio will probably be ineffective because of Allied supervision, it is expected that word-of-mouth propaganda, under the direction of underground agencies, will be attempted unceasingly by the population wherever it contacts Allied personnel. Its methods will include attempts at fraternization by civilians (especially by children, women, and old men); attempts at "soldier-to-soldier" fraternization; and social, official, and religious contacts. The propaganda may include appeals to generosity and spirit of fair play; appeals to pity for victims of devastation; appeals to racial and cultural similarities between Germans and Anglo-Saxons; organization of sympathy for an allegedly misled and oppressed people and its starving children; sowing of discord between British and American forces and between them and the Russians; and attempts to prove that Nazism was an alien idea implanted against the general will in the cultured and unaggressive minds of Germans. The propaganda will be universal, insidious, and dangerous, and will require extensive means to avoid and combat it.

2. General Conduct

(a) Allied personnel will so conduct themselves in their relations with the inhabitants of Germany as to command respect for themselves and for the countries which they represent.

(b) The Germans, as a nation, hold the armed forces and all things military in deep respect. A high standard of conduct and discipline must therefore be maintained by Allied personnel.

(c) Acts of violence committed when not in the lawful course of military duty are forbidden, as are acts of pillage and oppression. If such transgressions occur, offenders will be severely punished.

3. Drinking

Strict measures to control the consumption of liquor by Allied personnel will be exercised by commanders. Cases of drunkenness will be firmly dealt with.

4. Non-fraternization

Definition: "Non-fraternization" is the avoidance of mingling with Germans upon terms of friendliness, familiarity or intimacy, whether individually or in groups, in official or unofficial dealings. However, non-fraternization does not demand rough, undignified or aggressive conduct, nor the insolent overbearance which has characterized Nazi leadership.

5. General Policy of Non-fraternization

(a) There will be no fraternization between Allied personnel and the German officials or population.

(b) This policy of non-fraternization is necessary in order to

emphasize the relationship between the occupation forces and themselves and to circumvent their efforts to defeat the objects of our occupation. They must learn this time that their support and tolerance of militaristic leaders, their acceptance and furtherance of racial hatreds and persecutions, and their aggressions in Europe have brought them to complete defeat, and have caused the other people of the world to look upon them with distrust.

6. Attitude toward Germans in Official Contacts

(a) Allied personnel dealing with Germans on official business will be just, but firm. They will adopt an attitude of stern courtesy. They will make it clear by words and attitude that immediate compliance with orders and instructions will be required and enforced. In official, as in personal matters, there must be no fraternization. The definition laid down in para. 4 above, applies to both.

(b) Contacts on official matters with Germans, both military and civilian, will be restricted to the minimum necessary to insure adequate supervision of execution of the surrender terms and other official business. There will be no entertaining, "official" or otherwise.

(c) Germans holding or appointed to official positions, such as police, administrative or military positions, will be made to understand that they hold office by consent of Allied authorities, and only so long as they conform to Allied instructions and requirements.

7. Administrative Measures Implementing "Non-fraternization"

The policy of non-fraternization will be implemented by the adoption of the following measures :

(a) Segregation in Quarters

The billeting of officers or men in the homes of the population is forbidden. Separate quarters for troops will be obtained by the use of permanent barracks, schools, and other public buildings, by requisition of hotels, private buildings and houses, or by the use of hutted or tented camps. Permanent quarters will be so located as to minimize contact with the German population.

(b) Marriage

Marriage with Germans or personnel of other enemy countries is prohibited.

(c) Religious Services

Whenever possible, church services conducted by Allied chaplains will be provided. When this is not possible, attendance at German churches will be permitted ; in such cases, separate seating will be provided for the troops.

(d) Restrictions on Contacts

The following must be prohibited : Visiting German homes, drinking with Germans ; shaking hands with them ; playing games or sports with them ; giving or accepting gifts ; attending German dances or other social events ; accompanying Germans on the street, in theaters, taverns, hotels, or elsewhere (except on official business) ;

discussions and arguments with Germans, especially on politics or the future of Germany.

(e) Execution and Enforcement

Commanders will take energetic action to implement and execute the policies and instructions contained in this section. Uniform enforcement of non-fraternization is especially important throughout the zones of the Allied armies.

8. Orientation of Troops

Prior to their arrival in Germany, Commanders will take all practicable measures to inform their troops as to :

- (a) The mission of the occupying forces, their attitude towards the German people, and the standard of conduct required of them.
- (b) The characteristics of the German people, their probable attitude towards the forces of occupation, and the types of propaganda which they are liable to employ. Emphasis should be laid upon the necessity for non-fraternization and the means by which this policy is to be effected.

9. Training and Recreation

(a) Policy

The policy of segregation from the civilian population is a difficult one to maintain, entailing as it does considerable sacrifice upon the part of our troops of many of the amenities to which they are accustomed. Every endeavor must be made by commanders to provide a full and varied program of training, education, and recreation with which to occupy the time of the troops, interspersed by as frequent periods of leave as are permitted by operational conditions.

(b) Military Training

Military training must continue as vigorously as practicable and consistent with maintenance of morale. The highest state of discipline and smartness must be attained.

(c) Education

General educational work should be undertaken, to cover subjects of general culture and military or civilian utility (arts, sciences, handicrafts, etc.).

(d) Recreation

(1) Recreation under control of Allied forces will be strongly encouraged. All facilities practicable will be provided.

(2) Forms and means of such recreation may well include :

Military competitions and shows.

Athletic sports, including tournaments.

Entertainments :

Motion pictures and theater, the latter including both professional and military amateur talent.

Restaurants, cafes, cafeterias, canteens and beer gardens.

Service clubs, with facilities for reading, writing, games, radio, refreshments, dancing, entertainments, etc.
 Development of other forms of entertainment, including as many bands as can be made available.

(3) Facilities

Commanders are authorized to take over suitable local entertainment facilities wholly or partly and to prescribe, in accordance with the circumstances of each case :

- (a) Allied attendance at separate hours.
- (b) Exclusive Allied use.

(4) Recreation Centers

Recreation centers ("leave centers"), well organized, staffed and equipped, should be established; preferably outside of Germany, where the men will have greater freedom from restraints imposed by non-fraternization. Planning therefor should be initiated shortly after the surrender in order that the centers may be ready early.

(e) Leaves

Initially, the situation will not permit a liberal leave policy. Leaves for over 48 hours' duration will normally be for destinations outside of Germany. Neither then nor later will leaves be granted if they entail staying at private houses, hotels, or other establishments controlled by Germans. However, with arrangements for recreation centers and improvement of the military situation, it is expected that the leave policy will be liberalized as soon as practicable. Leaves, however, will still be primarily for destinations outside of Germany, to leave centers or to home countries.

(f) Women's Services

It is desirable that, as early as the situation permits, the Women's Services, whether belonging to the forces, or a voluntary character (Red Cross, Y.W.C.A., etc.) should be included in the occupying forces, and in relatively large numbers.

10. Application to All Allied Personnel

The provisions of this memorandum will apply to all personnel of the Allied Expeditionary Forces, including Army, Navy, Air Forces, and all civilians under military control.

APPENDIX C

**THIS GLOSSARY IS DESIGNED TO INCLUDE
300 TERMS WHICH MAY BE USEFUL TO THE UNIT
COMMANDER IN GERMANY**

Abschnitt	sector, district
Abteilung	detachment, section
Abwehr	defense, military intelligence
Adressbuch	directory
Abzeichen	badge, insignia
Aktiengesellschaft	corporation
Amt	office, bureau
Amt Auslandsnachrichten und Abwehr	Intelligence Department of the OKW
Amtsarzt	health officer
Amtsgericht	local court
Angeschlossene Verbände	Affiliated Organizations (Nazi)
Anschluss	connection, incorporation Austria into Reich
Anstalt	institution, establishment
Anzeige	report
Arbeitsamt	Labor Office
Arbeitshaus	workhouse
Arzt	doctor
Ausländer	alien, foreigner
Ausweis	identity paper
Ausweiskarte	identity card
Bahnhof	Railway station
Beamter	civil servant
Beamtengesetz	Civil Service Act
Beauftragter der NSDAP	Party representative
Befehl	order, command
Behörde	authority
Betrieb	factory, enterprise
Bevölkerung	population
Beigeordneter	Associate (mayor)
Beirat	Advisory Committee
Bestimmung	regulation
Betreute Organisationen	Supervised Organizations (Nazi)
Bewegung	movement (Nazi)
Bezirk	Administrative Area
Block	sub-division (Nazi Party)
Blockleiter	Leader of Block
Bürger (Reichs)	German citizen
Bürgermeister	mayor
Chef der Sicherheitspolizei	Chief of the Security Police
Denkmal	monument
Detektiv (Geheimpolizist)	detective

Deutsche Arbeitsfront
 Deutsches Beamten-gesetz
 Deutsche Gemeindeordnung
 Deutsche Luft Hansa
 Dolmetscher
 Dorf

German Labor Front
 German Civil Service Act
 German Municipal Act
 German Airlines
 interpreter
 village

Einquartierung
 Einwohner
 Eisenbahn
 Entlassung
 Entlassungsschein
 Erlaubnisschein
 Erkennungskarte
 Ernährungsamt
 Ernährungs und Wirtschaftsamt

billeting
 inhabitant
 railroad
 discharge
 discharge certificate
 permit
 identity card
 Food Office
 Food and Economic Office

Fabrik
 Fahnenflucht
 Fahrt (Rundfahrt)
 Feldkriegsgericht
 Feldwebel
 Fernsprecher (Telephon)
 Festnahme
 Finanzamt
 Fliegerkorps
 Friedhof
 Flüchtling
 Führer
 Führerprinzip
 Funkstation

factory
 desertion
 trip (round-trip)
 summary court-martial
 sergeant
 telephone
 arrest
 Finance Office
 Air Corps
 cemetery
 refugee
 leader
 leadership principle
 radio station

Gasthaus
 Gau
 Gauleiter
 Gebäude
 Geburtsschein
 Gefangener
 Gefangenenlager
 Gefängnis
 Gefängnisstrafe
 Gefreiter
 Geheime Staatspolizei
 Geld
 Geldanweisung
 Geldstrafe
 Gemeinde
 Gemeiner
 Gemeinderäte
 Gendarmerie
 Generalfeldmarshall
 Generaloberst
 General der Infanterie
 Generalleutnant

inn
 sub-division (Nazi Party)
 Leader of Gau
 building
 birth certificate
 prisoner
 prison camp
 prison
 imprisonment
 lance corporal (Pfc.)
 Gestapo, Secret State Police
 money
 money order
 fine
 community
 private (soldier)
 Rural District Councilmen
 Rural Police
 Field Marshal
 General
 Lieutenant General
 Major General

Generalmajor	Brigadier General, Brigadier
Geschäft (Laden)	business (store)
Gesellschaft	corporation
Gesetz	law
Gesundheitsamt	Office of Health
Gewerbe	industry, trade
Gewerkschaft	trade union, mining company
Gleichschaltung	political coordination
Gliederungen	Formations (Nazi)
Grenze	frontier
Grossbürgertum	upper middle class
Haft	detention
Hakenkreuz	swastika
Handelsgesetzbuch	Commercial Code
Hauptamt für Volksgesundheit	Head Office Public Health
Hauptamt für Volkswohlfahrt	Head Office Public Welfare
Hauptmann	Captain
Hauptmannschaft	Gendarmerie Captaincy
Haupttruppmann	Fire Brigade Senior Sergeant
Heimatschein	certificate of domicile
Hitler Jugend	Hitler Youth
Hotel	hotel
Identifizierung	identification
Jugendgericht	juvenile court
Jugendherberge	youth hostel
Kanzlei des Führers	Chancellery of the Leader
Karte (Landkarte)	map
Kaserne	barracks
Kirche	church
Kleiderkarte	clothing ration card
Kleinbürgertum	lower middle class
Konzentrationslager	concentration camp
Krankenhaus	hospital
Krankenschwester	nurse
Krankenwagen	ambulance
Kreis	County
Kreisausschuss	County Committee
Kreisleiter	Leader of Kreis
Kreismedizinalrat	county physician
Kriegsgefangener	prisoner of war
Kriminalpolizei (KRIPO)	Criminal Police
Kulturamt	Office of Culture
Lager	camp
Land	former autonomous state
Landgericht	intermediate court
Landkreis	County
Landrat	chief executive of Landkreis
Lazarett	hospital (military)
Lebensmittelkarte	food ration card
Leibesübungen	physical exercise

Leiter	head, superintendent
Leutnant	Second Lieutenant
Lohn	wage
Major	Major
Meile	mile
Meineid	perjury
Merkbuch (Notizbuch)	note book
Militärflughafen	airport (military)
Militärgericht	military court
Militärregierung	military government
Ministerium	Ministry
Mitarbeiter	collaborator
National Sozialistische Deutsche Arbeiter Partei (NSDAP)	National Socialist German Workers Party
NS Dozentenbund	NS University Teachers Organization
NS Gemeinschaft Kraft durch Freude	NS Society Strength through joy
NS Juristenbund	NS Lawyers Organization
NS Kraftfahr-Korps (NSKK)	NS Motor Corps
NS Volkswohlfahrt (NSV)	NS Public Welfare Association
Notar	notary
Notwehr	self defence
Oberbefehlshaber des Heeres	C in C Army
Oberbürgermeister	Mayor of Stadtkreis
Obergefreiter	corporal
Oberleutnant	First Lieutenant
Oberkommando des Heeres (OKH)	War Ministry
Oberkommando der Luftwaffe (OKL)	Air Ministry
Oberkommando der Kriegsmarine (OKM)	Admiralty
Oberkommando der Wehrmacht (OKW)	Defence Ministry
Oberlandesgericht	Court of Appeal
Oberpräsident	senior official Prussian Province
Oberst	Colonel
Oberstleutnant	Lieutenant-Colonel
Obmann	foreman
Öffentliche Betriebe	public utilities
Ordnungspolizei (ORPO)	Order Police
Ortsgruppe	sub-division Nazi Party
Ortsgruppenleiter	Leader of Ortsgruppe
Partei Kanzlei	Party Chancellery
Pass	pass
Pfennig	1/100 part of Mark
Pflichtjahr (des Arbeitsdienst)	year compulsory labour service
Platz	place
Polizeiamt	police station
Polizeibehörde	police authority

Polizeihaft
 Polizeirevier
 Polizeistelle
 Polizeiverfügung
 Polizeiverordnung
 Polizeiliche Meldebehörde
 Polizist
 Postamt
 Präsidial Kanzlei
 Proklamation
 Provinz
 Prozess

Quittung

Radio
 Rathaus
 Ratsherren
 Rechnungsprüfungsamt
 Rechtsanwalt
 Rechtsrat
 Regel
 Regierungsbezirk
 Regierungspräsident
 Reichsangehöriger
 Reichsangehörigkeit
 Reichsarbeitsdienst (RAD)
 Reichsautobahn
 Reichsbahn
 Reichsbank
 Reichsbeamter
 Reichsbeamten-gesetz
 Reichsgericht
 Reichskanzlei
 Reichskanzler
 Reichskreditkasse
 Reichskreditkassenscheine
 Reichsnährstand
 Reichstreuhänder der Arbeit
 Reichleiter
 Reichsleitung
 Reichsmark
 Reichsregierung
 Reichsstatthalter

Reichsverteidigung

Rentenbank
 Rentenmark
 Reviervorsteher
 Richter
 Rittmeister
 Rote Kreuz
 Runde
 Rüstung

police custody
 Police District
 police station
 specific police order
 general police order
 Police Registration Authority
 policeman (Schutzmann)
 post office
 Presidential Chancellery
 proclamation
 Province
 law-case

receipt

radio
 Town Hall
 Council
 accounting office
 lawyer
 legal advisor
 rule
 Regional District
 Head of Regierungsbezirk
 citizen, subject, national
 citizenship
 Reich Labour Service
 Reich motor highway
 State Railway
 Reich Bank
 Reich Civil Servant
 Civil Service Act
 Supreme Court
 Reich Chancellery
 Reich Chancellor
 Reich Credit Agency
 Reich occupational currency
 Reich Food Estate
 Reich Trustee or Labour
 leading Nazi official
 highest body of Nazi Party
 Reichmark
 Reich Cabinet
 Chief Representative of
 Reichsgaue and Länder
 Reich Defence Council
 Annuity Bank
 Mark issued by Rentenbank
 Commander of the Ward
 judge
 Captain (cavalry)
 Red Cross
 beat (policeman's)
 armament

Sanitätsbehörde	Board of Health
Sanitätsrat	Health Advisor
Schutzaufsicht	probation
Schutzhaft	protective custody
Sicherheitsleistung	bail
Sicherheitspolizei	Security Police
Sippenamt	Genealogical Office
Schule	school
Schullehrer	schoolteacher
Schutzmann	policeman
Schutzpolizei (SCHUPO)	Protection Police
Schutz-Staffel SS	Body-Guard (Black Guards)
Schwerindustrie	heavy industry, iron and coal industries
SS Totenkopf Verbände	SS Death's head Units
SS Verfügungstruppe	SS Special Troops
Soldbuch	pay book
Sondergericht	Special Court
Sonderpolizei	Special Police
Spital	hospital
Stadt	city
Staatsangehöriger	citizen, subject
Staatsangehörigkeit	citizenship
Staatsanwalt	Prosecutor
Stab	staff
Städtische Verfassung	City Charter
Städtische Verordnung	City Order
Stadtkämmerer	City Treasurer
Stadtkreis	county borough
Stadtsrechtsrat	City Attorney
Stelle	office
Strafgesetzbuch	Criminal Code
Strafkammer	Criminal Chamber (Court)
Strafregister	Penal Register
Strafsenat	Criminal Senate (Oberlandes-gerichte)
Strafanzeige	penalty report
Strasse	street
Strassenbahn	tramway
Strassenbahnwagen	Street car
Teilnehmer	accessory
Todesstrafe	capital punishment
Totschlag	manslaughter
Treuhänder	trustee
Telegraph	telegraph
Telephon (Fernsprecher)	telephone
Übersetzer	translator
Unruhe	disorder
Untersuchung	investigation
Urteil	judgment
Verbrecher	criminal

Verfügung	order
Verhaftung	arrest
Verordnung	order
Versorgungsamt	Pension Office
Verwahrer	custodian
Verwalter	administrator
Verwaltungsamt	Administration Office
Verwaltungspolizei	Administration Police
Vierjahresplan	Four year plan
Volksaufklärung	Public Enlightenment
Volksgericht	People's Court
Volkswohlfahrt	Public Welfare
Vorbeugungshaft	preventative arrest
Vorschrift	regulation
Wache	small station or post
Wachtmeister	police sergeant
Wahl	election (vote)
Wehrbezirk	Armed Forces Recruiting Sub-Area
Wehrersatzbezirk	Armed Forces Recruiting Area
Wehrkreis	Military Administrative District
Wehrmacht	Armed Forces
Wehrpass	service record book
Wehrkreiskommando	Wehrkreis Headquarters
Wehrbezirkskommando	Sub-Area Headquarters
Wehrgesetz	Armed Forces Act
Wehrmeldeamt	Recruiting Sub-Office
Wehrersatzinspektion	Inspectorate of Recruiting
Wirtschaft	economics
Wirtshaus (Gasthaus)	inn
Wohnungsamt	Housing Office
Zahltag	pay-day
Zahnarzt	dentist
Zelle	sub-division Nazi Party
Zellenleiter	Leader of a Zelle
Zeuge	witness
Zivilist	civilian
Zivilkammer	Civil Chamber (Landgerichte)
Zivilprozessordnung	Code of Civil Procedure
Zivilsenat	Civil Senate (Oberlandes- gerichte)
Zollamt	Customs Office
Zollhaus	Customs House
Zuchthaus	penitentiary
Zuchtlosigkeit	insubordination
Zug	train

APPENDIX D

COMPARATIVE RANKS

BR/US ARMY	GERMAN ARMY	SS	SA	NSKK	NSFK	HITLER JUGEND
2nd Lieutenant	Leutnant	Untersturmführer	Sturmführer	Sturmführer	Sturmführer	Gefolgshausführer
1st Lieutenant	Oberleutnant	Obersturmführer	Obersturmführer	Obersturmführer	Obersturmführer	Obergefolgshausführer
Captain	Hauptmann	Hauptsturmführer	Hauptsturmführer	Hauptsturmführer	Hauptsturmführer	Hauptgefolgshausführer
Major	Major	Sturmabführer	Sturmabführer	Staffelführer	Sturmabführer	Stammführer
Lt.-Colonel	Oberstleutnant	Obersturmbannführer	Obersturmbannführer	Oberstaffelführer	Obersturmbannführer	Oberstammführer
Colonel	Oberst	Standartenführer Oberführer	Standartenführer Oberführer	Standartenführer Oberführer	Standartenführer Oberführer	Bannführer Oberbannführer
Brig./Brig. Gen.	Generalmajor	Brigadeführer	Brigadeführer	Brigadeführer	Brigadeführer	Hauptbannführer
Major-General	Generalleutnant	Gruppenführer	Gruppenführer	Gruppenführer	Gruppenführer	Gebietsführer
Lt.-General	General (der Infanterie, etc.)	Obergruppenführer	Obergruppenführer	Obergruppenführer	Obergruppenführer	Obergebietsführer
General	Generaloberst	Oberstgruppenführer	Stabschef der S.A.		Ehrenführer	Stabsführer der Reichsjugendführung
Field Marshal/Gen. of the Army	Generalfeldmarschall	Reichsführer SS		Korpsführer	Korpsführer	Reichsjugendführer

APPENDIX E

Comparative rank NSDAP in KREIS, GAU and REICH
(HAUPTABSCHNITTSLEITER and above)

<i>Kreis</i>	<i>Gau</i>	<i>Reich</i>
Kreishauptabschnittsleiter	Hauptabschnittsleiter	Hauptabschnittsleiter
Bereichsleiter	Bereichsleiter	Bereichsleiter
Oberbereichsleiter	Oberbereichsleiter	Oberbereichsleiter
Hauptbereichsleiter	Hauptbereichsleiter	Hauptbereichsleiter
Dienstleiter	Dienstleiter	Dienstleiter
	Oberdienstleiter	Oberdienstleiter
	Hauptdienstleiter	Hauptdienstleiter
	Befehlsleiter	Befehlsleiter
	Oberbefehlsleiter	Oberbefehlsleiter
	Gauleiter	Hauptbefehlsleiter
		Reichsleiter

In the Kreis are the following bureaus and offices headed by the person indicated, who comprise the Kreisstab (Kreis Staff).

Hauptamt	head bureau	Hauptamtsleiter
Amt	bureau	Amtsleiter
Hauptstelle	head office	Kreishauptstellenleiter
Stelle	office	Kreisstellenleiter





GREATER GERMANY

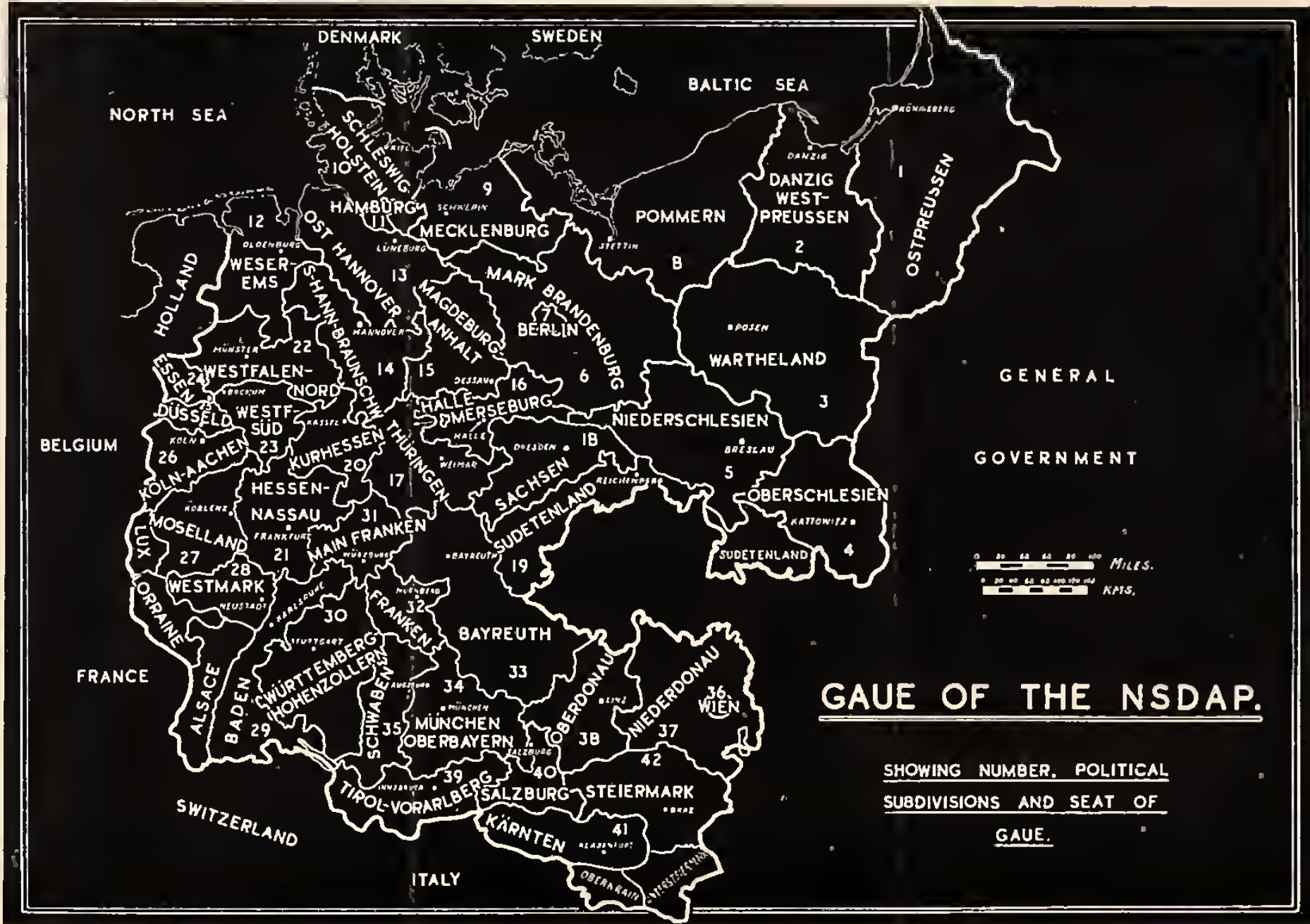
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(STATES)PROVINZEN
(PRUSSIAN PROVINCES)CAPITALS, OR SEAT OF ADMINISTRATION
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